



Iowa General Assembly
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House Amendment 1282

PAG LIN

1 1 Amend House File 531 as follows:
1 2 #1. Page 1, line 14, after <education.> by inserting
1 3 <However, telemedicine shall not be used to diagnose
1 4 and prescribe a medical abortion. For the purposes
1 5 of the state plan amendment, "medical abortion" means
1 6 the use of a medication including but not limited to
1 7 mifepristone or ulipristal acetate to terminate a
1 8 pregnancy.>

ALONS of Sioux
HF531.1451 (3) 84
pf/nh



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House Amendment 1283

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- 1 1 Amend House File 589 as follows:
- 1 2 #1. Page 2, by striking lines 16 through 22.
- 1 3 #2. Page 4, by striking lines 19 through 28.
- 1 4 #3. Page 4, line 33, by striking <remain at> and
- 1 5 inserting <remain on or in>
- 1 6 #4. Page 8, by striking lines 23 through 32.
- 1 7 #5. By renumbering as necessary.

ISENHART of Dubuque
HF589.1358 (2) 84
da/rj



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House Amendment 1284

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1 1      Amend House File 645 as follows:
1 2 #1.  Page 2, after line 2 by inserting:
1 3      <____.  TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM
1 4      For the teacher shortage loan forgiveness program
1 5 established in section 261.112:
1 6 ..... $          250,000>
1 7 #2.  By renumbering as necessary.
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DOLECHECK of Ringgold

WINCKLER of Scott
HF645.1440 (2) 84
kh/tm



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House Amendment 1285

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- 1 1 Amend House File 585 as follows:
- 1 2 #1. Page 6, by striking lines 9 and 10.
- 1 3 #2. By renumbering as necessary.

WILLEMS of Linn
HF585.1477 (1) 84
kh/rj



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House Amendment 1286

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1 1 Amend House File 589 as follows:
1 2 #1. Page 6, after line 29 by inserting:
1 3 <____. An animal shelter as defined in section
1 4 162.2.
1 5 _____. A representative of a nonprofit organization
1 6 present for the purpose of informing the public of an
1 7 illegal activity observed at the animal facility.>
1 8 #2. By renumbering as necessary.

LYKAM of Scott
HF589.1478 (1) 84
da/rj



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House Amendment 1287

PAG LIN

1 1 Amend House File 540 as follows:
1 2 #1. Page 2, line 21, by striking <or> and inserting
1 3 <of>

KAUFMANN of Cedar
HF540.1174 (1) 84
rh/rj



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House Amendment 1288

PAG LIN

1 1 Amend House File 589 as follows:
1 2 #1. Page 1, before line 1 by inserting:
1 3 <Section 1. Section 717.1, Code 2011, is amended by
1 4 adding the following new subsection:
1 5 NEW SUBSECTION. 01. "Egg=laying hen" means any
1 6 domesticated chicken, turkey, duck, goose, or guinea
1 7 fowl kept for purposes of egg production.
1 8 Sec. 2. NEW SECTION. 717.3 Confinement of
1 9 egg=laying hens ==== penalty.
1 10 1. In addition, to other applicable provisions of
1 11 this chapter, a person shall not tether or confine
1 12 an egg=laying hen as part of an animal facility as
1 13 provided in chapter 717A, for all or the majority of
1 14 any day, in a manner that prevents such egg=laying
1 15 hen from lying down, standing up, fully extending its
1 16 wings, or turning around freely.
1 17 2. A person who violates this section is guilty of
1 18 a serious misdemeanor.>
1 19 #2. Page 10, after line 28 by inserting:
1 20 <Sec. _____. EFFECTIVE DATES.
1 21 1. Except as provided in subsection 2, this Act
1 22 takes effect on July 1, 2011.
1 23 2. The sections of this Act amending section 717.1
1 24 and enacting section 717.3 take effect January 1,
1 25 2017.>
1 26 #3. Title page, line 2, by striking <and providing>
1 27 and inserting <providing>
1 28 #4. Title page, line 2, after <remedies> by
1 29 inserting <, and including effective date provisions>
1 30 #5. By renumbering as necessary.

MASCHER of Johnson
HF589.1485 (2) 84
da/rj



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House Amendment 1289

PAG LIN

- 1 1 Amend House File 467 as follows:
- 1 2 #1. By striking page 14, line 33, through page 15,
- 1 3 line 11.
- 1 4 #2. By renumbering as necessary.

L. MILLER of Scott
HF467.1145 (1) 84
pf/nh



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House Amendment 1290

PAG LIN

1 1 Amend House File 467 as follows:
1 2 #1. Page 16, after line 13 by inserting:
1 3 <Sec. _____. PILOT OR DEMONSTRATION RESEARCH PROJECTS
1 4 ==== PRACTICE OF PHARMACY.
1 5 1. Notwithstanding any provision of section
1 6 147.107, subsection 2, to the contrary, the board of
1 7 pharmacy may approve a pilot or demonstration research
1 8 project of innovative applications in the practice of
1 9 pharmacy relating to the authority of prescription
1 10 verification and the ability of a pharmacist to provide
1 11 enhanced patient care.
1 12 2. The board of pharmacy shall adopt rules and
1 13 procedures pursuant to chapter 17A for application for
1 14 and approval of such projects. The rules may include
1 15 exceptions to any existing rules under the purview of
1 16 the board of pharmacy as necessary for completion of
1 17 the project, limited to the duration of the project.
1 18 The duration of any project approved by the board of
1 19 pharmacy shall not exceed eighteen months and shall
1 20 comply with the rules and procedures adopted for such
1 21 projects.
1 22 3. The board of pharmacy shall not approve any
1 23 project that expands the practice of pharmacy as
1 24 defined in section 155A.3.
1 25 4. The board of pharmacy shall submit a report
1 26 to the chairpersons and ranking members of the joint
1 27 appropriations subcommittee on health and human
1 28 services regarding the approval or denial of any
1 29 projects.>
1 30 #2. By renumbering as necessary.

HEATON of Henry
HF467.1299 (2) 84
pf/nh



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House Amendment 1291

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1 1 Amend House File 470 as follows:
1 2 #1. Page 3, after line 14 by inserting:
1 3 <Sec. _____. Section 123.50, Code 2011, is amended by
1 4 adding the following new subsection:
1 5 NEW SUBSECTION. 5. If an employee of a licensee
1 6 or permittee violates section 123.49, subsection 2,
1 7 paragraph "h", the licensee or permittee shall not
1 8 be assessed a penalty under subsection 3, and the
1 9 violation shall be deemed not to be a violation of
1 10 section 123.49, subsection 2, paragraph "h", for the
1 11 purpose of determining the number of violations for
1 12 which a penalty may be assessed pursuant to subsection
1 13 3, if the employee holds a valid certificate of
1 14 completion of the alcohol compliance employee training
1 15 program pursuant to section 123.50A at the time of
1 16 the violation. A licensee or permittee may assert
1 17 only once in a four-year period the bar under this
1 18 subsection against assessment of a penalty pursuant to
1 19 subsection 3, for a violation of subsection 123.49,
1 20 subsection 2, paragraph "h", that takes place at the
1 21 same place of business location.
1 22 Sec. _____. NEW SECTION. 123.50A Alcohol compliance
1 23 employee training program.
1 24 1. If sufficient funding is appropriated, the
1 25 division shall develop an alcohol compliance employee
1 26 training program, not to exceed two hours in length
1 27 for employees and prospective employees of licensees
1 28 and permittees, to inform the employees about state
1 29 and federal liquor laws and regulations regarding the
1 30 sale of alcoholic liquor, wine, or beer to persons
1 31 under legal age, and compliance with and the importance
1 32 of laws regarding the sale of alcoholic liquor, wine,
1 33 or beer to persons under legal age. In developing
1 34 the alcohol compliance employee training program,
1 35 the division may consult with stakeholders who have
1 36 expertise in the laws and regulations regarding the
1 37 sale of alcoholic liquor, wine, or beer to persons
1 38 under legal age.
1 39 2. The alcohol compliance employee training program
1 40 shall be made available to employees and prospective
1 41 employees of licensees and permittees at no cost to the
1 42 employee, the prospective employee, or the licensee or
1 43 permittee, and in a manner which is as convenient and
1 44 accessible to the extent practicable throughout the
1 45 state so as to encourage attendance. Contingent upon
1 46 the availability of specified funds for provision of
1 47 the program, the division shall schedule the program
1 48 on at least a monthly basis and the program shall be
1 49 available at a location in at least a majority of
1 50 counties.



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2 1 3. Upon completion of the alcohol compliance
2 2 employee training program, an employee or prospective
2 3 employee shall receive a certificate of completion,
2 4 which shall be valid for a period of two years, unless
2 5 the employee or prospective employee is convicted of a
2 6 violation of section 123.49, subsection 2, paragraph
2 7 "h", in which case the certificate shall be void.
2 8 4. The division shall also offer periodic
2 9 continuing employee training and recertification for
2 10 employees who have completed initial training and
2 11 received an initial certificate of completion as part
2 12 of the alcohol compliance employee training program.>
2 13 #2. By renumbering as necessary.

IVERSON of Wright
HF470.1475 (1) 84
rn/nh



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House Amendment 1292

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1 1 Amend House File 589 as follows:

1 2 #1. By striking everything after the enacting clause
1 3 and inserting:

1 4 <Section 1. Section 717A.1, Code 2011, is amended
1 5 by adding the following new subsection:

1 6 NEW SUBSECTION. 1A. "Agricultural animal facility"
1 7 or "facility" means a location where an agricultural
1 8 animal is maintained, including but not limited to a
1 9 location dedicated to farming as defined in section
1 10 9H.1, a livestock market, or an exhibition.

1 11 Sec. 2. Section 717A.1, subsection 2, Code 2011, is
1 12 amended to read as follows:

1 13 2. "Agricultural production" means any activity
1 14 related to maintaining an agricultural animal at
1 15 an agricultural animal facility or a crop on crop
1 16 operation property.

1 17 Sec. 3. Section 717A.1, subsections 3 and 4, Code
1 18 2011, are amended by striking the subsections.

1 19 Sec. 4. Section 717A.1, subsection 7, Code 2011, is
1 20 amended to read as follows:

1 21 7. "Crop operation" means a ~~commercial enterprise~~
~~1 22 where a crop is maintained on the property of the~~
~~1 23 commercial enterprise~~ location where a crop is
1 24 maintained, including but not limited to a crop field,
1 25 orchard, nursery, greenhouse, garden, elevator,
1 26 seedhouse, barn, or warehouse.

1 27 Sec. 5. Section 717A.1, subsection 9, paragraph a,
1 28 Code 2011, is amended to read as follows:

1 29 a. For an agricultural animal maintained at an
1 30 agricultural animal facility or property ~~belonging~~
~~1 31 to kept at an agricultural animal facility, "deprive"~~
1 32 means to do any of the following:

1 33 (1) Withhold the agricultural animal or property
1 34 for a period of time sufficient to significantly reduce
1 35 the value or enjoyment of the agricultural animal or
1 36 property.

1 37 (2) Withhold the agricultural animal or
1 38 property for ransom or upon condition to restore
1 39 the agricultural animal or property in return for
1 40 compensation.

1 41 (3) Dispose of the agricultural animal or property
1 42 in a manner that makes recovery of the agricultural
1 43 animal or property by its owner unlikely.

1 44 Sec. 6. Section 717A.1, subsection 10, paragraph a,
1 45 Code 2011, is amended to read as follows:

1 46 a. Keep and provide for the care and feeding of any
1 47 agricultural animal, including any activity relating
1 48 to confining, handling, breeding, transporting, or
1 49 exhibiting the animal.

1 50 Sec. 7. Section 717A.1, subsection 11, paragraphs a



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2 1 and b, Code 2011, are amended to read as follows:

2 2 a. A person, including a public or private entity,
2 3 who has a legal interest in an agricultural animal
2 4 maintained at the agricultural animal facility or other
2 5 property ~~belonging to~~ kept at an agricultural animal
2 6 facility, or a person who is authorized by the holder
2 7 of the legal interest to act on the holder's behalf in
2 8 maintaining the animal or keeping the other property.

2 9 b. A person, including a public or private entity,
2 10 who has a legal interest in a crop maintained at the
2 11 crop operation or ~~crop operation~~ other property kept at
2 12 the crop operation, or a person who is authorized by
2 13 the holder of the legal interest to act on the holder's
2 14 behalf in maintaining the crop or keeping the other
2 15 property.

2 16 Sec. 8. Section 717A.1, Code 2011, is amended by
2 17 adding the following new subsection:

2 18 NEW SUBSECTION. 11A. "Record" means any printed,
2 19 inscribed, visual, or audio information that is
2 20 placed or stored on a tangible medium, and that may
2 21 be accessed in a perceivable form, including but not
2 22 limited to any paper or electronic format.

2 23 Sec. 9. Section 717A.2, Code 2011, is amended by
2 24 striking the section and inserting in lieu thereof the
2 25 following:

2 26 717A.2 Agricultural animal facility tampering.

2 27 1. A person is guilty of agricultural animal
2 28 facility tampering if the person acts without the
2 29 consent of the owner of an agricultural animal facility
2 30 to willfully do any of the following:

2 31 a. Damage, destroy, or alter property kept at the
2 32 agricultural animal facility, including but not limited
2 33 to land, fixtures, structures, equipment, machinery,
2 34 vehicles, records, or computer software or data.

2 35 b. Kill or injure an agricultural animal maintained
2 36 at the agricultural animal facility, including by an act
2 37 of violence or the transmission of a disease including
2 38 but not limited to any infectious or contagious disease
2 39 designated by the department of agriculture and land
2 40 stewardship pursuant to section 163.2.

2 41 c. Take by theft an agricultural animal maintained
2 42 or other property kept at the agricultural animal
2 43 facility.

2 44 d. Disrupt operations conducted at the agricultural
2 45 animal facility, if the operations directly relate
2 46 to agricultural production, agricultural animal
2 47 maintenance, educational or scientific purposes, or
2 48 veterinary care.

2 49 2. A person who commits the offense of agricultural
2 50 animal facility tampering is guilty of the following:



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3 1 a. Agricultural animal facility tampering in the
3 2 first degree occurs when the result of the offense
3 3 is damages incurred by the owner of the agricultural
3 4 animal facility of more than one hundred thousand
3 5 dollars. A person convicted of agricultural animal
3 6 facility tampering in the first degree is guilty of a
3 7 class "C" felony.

3 8 b. Agricultural animal facility tampering in the
3 9 second degree occurs when the result of the offense
3 10 is damages incurred by the owner of the agricultural
3 11 animal facility of more than ten thousand dollars but
3 12 not more than one hundred thousand dollars. A person
3 13 convicted of agricultural animal facility tampering in
3 14 the second degree is guilty of a class "D" felony.

3 15 c. Agricultural animal facility tampering in the
3 16 third degree occurs when the result of the offense
3 17 is damages incurred by the owner of the agricultural
3 18 animal facility of more than one thousand dollars but
3 19 not more than ten thousand dollars. A person convicted
3 20 of agricultural animal facility tampering in the third
3 21 degree is guilty of an aggravated misdemeanor.

3 22 d. Agricultural animal facility tampering in the
3 23 fourth degree occurs when the result of the offense is
3 24 the damages incurred by the owner of the agricultural
3 25 animal facility of more than three hundred dollars but
3 26 not more than one thousand dollars. A person convicted
3 27 of agricultural animal facility tampering in the fourth
3 28 degree is guilty of a serious misdemeanor.

3 29 e. Agricultural animal facility tampering in the
3 30 fifth degree occurs when the result of the offense
3 31 is damages incurred by the owner of the agricultural
3 32 animal facility of three hundred dollars or less. A
3 33 person convicted of agricultural animal facility
3 34 tampering in the fifth degree is guilty of a simple
3 35 misdemeanor.

3 36 3. A person who participates in a conspiracy to
3 37 commit the offense of agricultural animal facility
3 38 tampering, and who acts in furtherance of that
3 39 commission, is guilty of the same offense as the
3 40 person convicted of committing the offense on or in the
3 41 agricultural animal facility.

3 42 4. A person convicted of agricultural animal
3 43 facility tampering is subject to an order of
3 44 restitution as provided in chapter 910.

3 45 5. In determining the value of damages incurred
3 46 by an owner of an agricultural animal facility under
3 47 this section, a court shall calculate the actual and
3 48 consequential pecuniary losses resulting from the
3 49 commission of the offense.

3 50 Sec. 10. NEW SECTION. 717A.2A Agricultural animal



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4 1 facility interference.

4 2 1. A person is guilty of agricultural animal
4 3 facility interference, if the person acts without the
4 4 consent of the owner of an agricultural animal facility
4 5 to willfully do any of the following:

4 6 a. Produce a record which reproduces an image or
4 7 sound occurring at the agricultural animal facility as
4 8 follows:

4 9 (1) The record must be created by the person while
4 10 at the agricultural animal facility.

4 11 (2) The record must be a reproduction of a visual
4 12 or audio experience occurring at the agricultural
4 13 animal facility, including but not limited to a
4 14 photographic or audio medium.

4 15 b. Possess or distribute a record which produces
4 16 an image or sound occurring at the agricultural animal
4 17 facility which was produced as provided in paragraph
4 18 "a".

4 19 c. Exercise control over the agricultural animal
4 20 facility including an agricultural animal maintained
4 21 at the agricultural animal facility or other property
4 22 kept at the agricultural animal facility, with intent
4 23 to deprive the agricultural animal facility of the
4 24 agricultural animal or property.

4 25 d. Enter onto the agricultural animal facility,
4 26 or remain at the agricultural animal facility, if the
4 27 person has notice that the facility is not open to
4 28 the public. A person has notice that an agricultural
4 29 animal facility is not open to the public if the person
4 30 is provided notice before entering onto the facility,
4 31 or the person refuses to immediately leave the facility
4 32 after being informed to leave. The notice may be in
4 33 the form of a written or verbal communication by the
4 34 owner, a fence or other enclosure designed to exclude
4 35 intruders or contain agricultural animals, or a sign
4 36 posted which is reasonably likely to come to the
4 37 attention of an intruder and which indicates that entry
4 38 is forbidden.

4 39 2. A person who commits the offense of agricultural
4 40 animal facility interference is guilty of the
4 41 following:

4 42 a. For the first conviction, the person is guilty
4 43 of an aggravated misdemeanor.

4 44 b. For a second or subsequent conviction, the
4 45 person is guilty of a class "D" felony.

4 46 3. A person convicted of agricultural animal
4 47 facility interference is subject to an order of
4 48 restitution as provided in chapter 910.

4 49 Sec. 11. NEW SECTION. 717A.2B Agricultural animal
4 50 facility fraud.



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- 5 1 1. A person is guilty of agricultural animal
5 2 facility fraud, if the person willfully does any of the
5 3 following:
- 5 4 a. Obtains access to an agricultural animal
5 5 facility by false pretenses for the purpose of
5 6 committing an act not authorized by the owner of the
5 7 agricultural animal facility.
- 5 8 b. Makes a false statement or representation
5 9 as part of an application to be employed at the
5 10 agricultural animal facility, if the person knows it
5 11 to be false.
- 5 12 2. A person who commits the offense of agricultural
5 13 animal facility fraud is guilty of the following:
- 5 14 a. For the first conviction, the person is guilty
5 15 of an aggravated misdemeanor.
- 5 16 b. For a second or subsequent conviction, the
5 17 person is guilty of a class "D" felony.
- 5 18 3. A person convicted of agricultural animal
5 19 facility fraud is subject to an order of restitution
5 20 as provided in chapter 910.
- 5 21 Sec. 12. NEW SECTION. 717A.2C Agricultural animal
5 22 facilities ==== civil actions.
- 5 23 1. A person suffering damages resulting from the
5 24 commission of agricultural animal facility tampering
5 25 as provided in section 717A.2 or agricultural animal
5 26 facility interference as provided in section 717A.2A
5 27 may bring an action in the district court against
5 28 the person causing the damages to recover all of the
5 29 following:
- 5 30 a. An amount equaling three times all actual and
5 31 consequential damages.
- 5 32 b. Court costs and reasonable attorney fees.
- 5 33 2. In addition to awarding damages as provided in
5 34 subsection 1, a court may grant any equitable relief
5 35 that the court determines is appropriate. Nothing in
5 36 this chapter shall prevent a party from petitioning a
5 37 court for equitable relief.
- 5 38 Sec. 13. NEW SECTION. 717A.2D Agricultural animal
5 39 facilities ==== exceptions.
- 5 40 1. Section 717A.2 or 717A.2A does not prohibit any
5 41 conduct of a person holding a legal interest in an
5 42 agricultural animal facility, an agricultural animal
5 43 maintained at the agricultural animal facility, or
5 44 other property kept at the agricultural animal facility
5 45 which legal interest is superior to the legal interest
5 46 held by a person incurring damages resulting from the
5 47 conduct.
- 5 48 2. Section 717A.2 or 717A.2A does not apply to any
5 49 of the following:
- 5 50 a. A governmental agency or officer who is taking



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6 1 lawful action involving an agricultural animal
6 2 facility, an agricultural animal maintained at the
6 3 agricultural animal facility, or other property kept at
6 4 the agricultural animal facility.
6 5 b. A licensed veterinarian practicing veterinary
6 6 medicine as provided in chapter 169 and according to
6 7 customary standards of care.
6 8 c. An animal shelter as defined in section 162.2.
6 9 d. A representative of a nonprofit organization
6 10 present for the purpose of informing the public of an
6 11 illegal activity observed at the agricultural animal
6 12 facility.
6 13 Sec. 14. Section 717A.3, Code 2011, is amended by
6 14 striking the section and inserting in lieu thereof the
6 15 following:
6 16 717A.3 Crop operation tampering.
6 17 1. A person is guilty of crop operation tampering
6 18 if the person acts without the consent of the owner of
6 19 a crop operation to willfully do any of the following:
6 20 a. Damage, destroy, or alter property kept at the
6 21 crop operation, including but not limited to land,
6 22 fixtures, structures, equipment, machinery, vehicles,
6 23 records, or computer software or data.
6 24 b. Destroy or injure a crop maintained at a crop
6 25 operation, including by an act of violence or the
6 26 transmission of a disease including but not limited to
6 27 any disease or pests.
6 28 c. Take by theft a crop maintained or other
6 29 personal property kept at the crop operation.
6 30 d. Disrupt operations conducted at the crop
6 31 operation, if the operations directly relate to
6 32 agricultural production, crop maintenance, educational
6 33 or scientific purposes, or horticultural care.
6 34 2. A person who commits the offense of crop
6 35 operation tampering is guilty of the following:
6 36 a. Crop operation tampering in the first degree
6 37 occurs when the result of the offense is damages
6 38 incurred by the owner of more than one hundred
6 39 thousand dollars. A person convicted of crop operation
6 40 tampering in the first degree is guilty of a class "C"
6 41 felony.
6 42 b. Crop operation tampering in the second degree
6 43 occurs when the result of the offense is damages
6 44 incurred by the owner of the crop operation of more
6 45 than ten thousand dollars but not more than one hundred
6 46 thousand dollars. A person convicted of crop operation
6 47 tampering in the second degree is guilty of a class "D"
6 48 felony.
6 49 c. Crop operation tampering in the third degree
6 50 occurs when the result of the offense is damages



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7 1 incurred by the owner of the crop operation of more
7 2 than one thousand dollars but not more than ten
7 3 thousand dollars. A person convicted of crop operation
7 4 property tampering in the third degree is guilty of an
7 5 aggravated misdemeanor.
7 6 d. Crop operation tampering in the fourth degree
7 7 occurs when the result of the offense is damages
7 8 incurred by the owner of the crop operation of more
7 9 than three hundred dollars but not more than one
7 10 thousand dollars. A person convicted of crop operation
7 11 tampering in the fourth degree is guilty of a serious
7 12 misdemeanor.
7 13 e. Crop operation tampering in the fifth degree
7 14 occurs when the result of the offense is damages
7 15 incurred by the owner of the crop operation of three
7 16 hundred dollars or less. A person convicted of crop
7 17 operation tampering in the fifth degree is guilty of a
7 18 simple misdemeanor.
7 19 3. A person who participates in a conspiracy to
7 20 commit the offense of crop operation tampering, and who
7 21 acts in furtherance of that commission, is guilty of
7 22 the same offense as the person convicted of committing
7 23 the offense on or in the crop operation.
7 24 4. A person convicted of crop operation tampering
7 25 is subject to an order of restitution as provided in
7 26 chapter 910.
7 27 5. In determining the value of damages incurred
7 28 under this section, a court shall calculate the actual
7 29 and consequential pecuniary losses resulting from the
7 30 commission of the offense.
7 31 Sec. 15. NEW SECTION. 717A.3A Crop operation
7 32 interference.
7 33 1. A person is guilty of crop operation
7 34 interference, if the person acts without the consent
7 35 of the owner of a crop operation to willfully do any
7 36 of the following:
7 37 a. Produce a record which reproduces an image or
7 38 sound occurring at the crop operation as follows:
7 39 (1) The record must be created by the person while
7 40 at the crop operation.
7 41 (2) The record must be a reproduction of a visual
7 42 or audio experience occurring at the crop operation,
7 43 including but not limited to a photographic or audio
7 44 medium.
7 45 b. Possess or distribute a record which produces an
7 46 image or sound occurring at the crop operation which
7 47 was produced as provided in paragraph "a".
7 48 c. Exercise control over the crop operation,
7 49 including a crop maintained at the crop operation or
7 50 other property kept at the crop operation, with intent



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8 1 to deprive the crop operation of the crop or property.
8 2 d. Enter onto the crop operation, or remain on
8 3 or in the crop operation, if the person has notice
8 4 that the crop operation is not open to the public. A
8 5 person has notice that a crop operation is not open
8 6 to the public if the person is provided notice before
8 7 entering onto the crop operation, or the person refuses
8 8 to immediately leave the crop operation after being
8 9 informed to leave. The notice may be in the form of a
8 10 written or verbal communication by the owner, a fence
8 11 or other enclosure designed to exclude intruders or
8 12 contain crops, or a sign posted which is reasonably
8 13 likely to come to the attention of an intruder and
8 14 which indicates that entry is forbidden.

8 15 2. A person who commits the offense of crop
8 16 operation interference is guilty of the following:
8 17 a. For the first conviction, the person is guilty
8 18 of an aggravated misdemeanor.

8 19 b. For a second or subsequent conviction, the
8 20 person is guilty of a class "D" felony.

8 21 3. A person convicted of crop operation
8 22 interference is subject to an order of restitution as
8 23 provided in chapter 910.

8 24 Sec. 16. NEW SECTION. 717A.3B Crop operation
8 25 fraud.

8 26 1. A person is guilty of crop operation fraud, if
8 27 the person willfully does any of the following:

8 28 a. Obtains access to a crop operation by false
8 29 pretenses for the purpose of committing an act not
8 30 authorized by the owner of the crop operation.

8 31 b. Makes a false statement or representation
8 32 as part of an application to be employed at a crop
8 33 operation, if the person knows it to be false.

8 34 2. A person who commits the offense of crop
8 35 operation fraud is guilty of the following:

8 36 a. For the first conviction, the person is guilty
8 37 of an aggravated misdemeanor.

8 38 b. For a second or subsequent conviction, the
8 39 person is guilty of a class "D" felony.

8 40 3. A person convicted of crop operation fraud
8 41 is subject to an order of restitution as provided in
8 42 chapter 910.

8 43 Sec. 17. NEW SECTION. 717A.3C Crop operations ===
8 44 civil actions.

8 45 1. A person suffering damages resulting from the
8 46 commission of crop operation tampering as provided
8 47 in section 717A.3 or crop operation interference as
8 48 provided in section 717A.3A may bring an action in the
8 49 district court against the person causing the damage to
8 50 recover all of the following:



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House Amendment 1292 continued

9 1 a. An amount equaling three times all actual and
9 2 consequential damages.
9 3 b. Court costs and reasonable attorney fees.
9 4 2. In addition to awarding damages as provided in
9 5 subsection 1, a court may grant any equitable relief
9 6 that the court determines is appropriate. Nothing in
9 7 this chapter shall prevent a party from petitioning a
9 8 court for equitable relief.
9 9 Sec. 18. NEW SECTION. 717A.3D Crop operations ====
9 10 exceptions.
9 11 1. Section 717A.3 or 717A.3A does not prohibit any
9 12 conduct of a person holding a legal interest in a crop
9 13 operation, a crop maintained at the crop operation, or
9 14 other property kept at the crop operation which legal
9 15 interest is superior to the legal interest held by a
9 16 person incurring damages resulting from the conduct.
9 17 2. Section 717A.3 or 717A.3A does not apply to a
9 18 governmental agency or officer who is taking lawful
9 19 action involving a crop operation, a crop maintained
9 20 at the crop operation, or other property kept at the
9 21 crop operation.
9 22 Sec. 19. Section 717A.4, subsection 1, Code 2011,
9 23 is amended to read as follows:
9 24 1. Except as provided in subsection 2, a person
9 25 shall not willfully possess, transport, or transfer a
9 26 pathogen with an intent to threaten the health of an
9 27 agricultural animal or crop.
9 28 a. For agricultural animals, a pathogen restricted
9 29 under this section shall be limited to a biological
9 30 agent or toxin listed in 9 C.F.R. { 121.2(b), as that
9 31 list exists on January 1, 2004.
9 32 b. For crops, a pathogen restricted under this
9 33 section shall be limited to a biological agent or toxin
9 34 listed in 7 C.F.R. { 331.3, as that list exists on
9 35 January 1, 2004.>
9 36 #2. By renumbering as necessary.

LYKAM of Scott
HF589.1490 (2) 84
da/rj



Iowa General Assembly
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House Amendment 1293

PAG LIN

1 1 Amend House File 617 as follows:
1 2 #1. Page 4, after line 19 by inserting:
1 3 <Sec. _____. Section 123.56, Code 2011, is amended by
1 4 adding the following new subsection:
1 5 NEW SUBSECTION. 6A. A manufacturer may use the
1 6 space and equipment of another manufacturer for the
1 7 purpose of manufacturing native wine, provided that
1 8 such an alternating proprietorship arrangement is
1 9 approved by the alcohol and tobacco tax and trade
1 10 bureau of the United States department of the treasury.
1 11 A separate class "A" wine permit shall be issued to
1 12 each manufacturer, and each manufacturer shall be
1 13 subject to the provisions of this chapter and the rules
1 14 of the division. Notwithstanding subsection 5, not
1 15 more than one class "C" native wine permit shall be
1 16 issued to a premises with alternating proprietorships.>
1 17 #2. By renumbering as necessary.

WENTHE of Fayette
HF617.1467 (2) 84
rn/nh



Iowa General Assembly
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House Amendment 1294

PAG LIN

1 1 Amend the amendment, H=1109, to House File 470 as
1 2 follows:
1 3 #1. Page 1, after line 3 by inserting:
1 4 <____. Page 4, after line 13 by inserting:
1 5 <Sec. _____. Section 123.56, Code 2011, is amended by
1 6 adding the following new subsection:
1 7 NEW SUBSECTION. 6A. A manufacturer may use the
1 8 space and equipment of another manufacturer for the
1 9 purpose of manufacturing native wine, provided that
1 10 such an alternating proprietorship arrangement is
1 11 approved by the alcohol and tobacco tax and trade
1 12 bureau of the United States department of the treasury.
1 13 A separate class "A" wine permit shall be issued to
1 14 each manufacturer, and each manufacturer shall be
1 15 subject to the provisions of this chapter and the
1 16 rules of the division. Notwithstanding subsection
1 17 5, not more than one class "C" native wine permit
1 18 shall be issued to a premises with alternating
1 19 proprietorships. >>
1 20 #2. By renumbering as necessary.

WENTHE of Fayette
H1109.1462 (3) 84
rn/nh



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House Amendment 1295

PAG LIN

1 1 Amend House File 462 as follows:
1 2 #1. Page 1, by striking lines 6 through 11 and
1 3 inserting <in size under the custody of the department.
1 4 However, a motorboat with a power unit exceeding ten
~~1 5 horsepower shall not be operated on lake Macbride, a~~
~~1 6 motorboat with a power unit exceeding ten horsepower~~
~~1 7 may be operated only when permitted by rule and the~~
~~1 8 rule shall not authorize such use during the period~~
~~1 9 beginning on the Friday before Memorial Day and ending~~
~~1 10 on Labor Day inclusively. This paragraph does not~~
1 11 limit motorboat>
1 12 #2. Title page, line 1, by striking <allowing> and
1 13 inserting <prohibiting>

MASCHER of Johnson
HF462.1486 (1) 84
av/sc



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House Amendment 1296

PAG LIN

1 1 Amend House File 617 as follows:
1 2 #1. Page 2, after line 10 by inserting:
1 3 <Sec. _____. Section 123.6, Code 2011, is amended to
1 4 read as follows:
1 5 123.6 Appointment ==== term ==== expenses ====
1 6 compensation.
1 7 Appointments shall be for five-year staggered
1 8 terms beginning and ending as provided by section
1 9 69.19 and shall be made by the governor, subject to
1 10 confirmation by the senate. Members of the commission
1 11 shall be chosen on the basis of managerial ability and
1 12 experience as business executives. ~~One member~~ Not
1 13 more than two members of the commission may be the
1 14 holder of or have an interest in a permit or license
1 15 to manufacture alcoholic liquor, wine, or beer or to
1 16 sell alcoholic liquor, wine, or beer at wholesale or
1 17 retail. A member may be reappointed for one additional
1 18 term. Each member appointed is entitled to receive
1 19 reimbursement of actual expenses incurred while
1 20 attending meetings. Each member of the commission may
1 21 also be eligible to receive compensation as provided
1 22 in section 7E.6.>
1 23 #2. By renumbering as necessary.

IVERSON of Wright
HF617.1500 (1) 84
rn/nh



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House Amendment 1297

PAG LIN

1 1 Amend House File 462 as follows:
1 2 #1. Page 1, before line 1 by inserting:
1 3 <Section 1. Section 462A.12, Code 2011, is amended
1 4 by adding the following new subsection:
1 5 NEW SUBSECTION. 16. A person shall not operate
1 6 a motorboat on the waters of this state on which
1 7 the horsepower rating label as determined by the
1 8 manufacturer has been altered or concealed.>
1 9 #2. Page 1, after line 14 by inserting:
1 10 <Sec. _____. Section 805.8B, subsection 1, Code 2011,
1 11 is amended by adding the following new paragraph:
1 12 NEW PARAGRAPH. f. For violations of provisions
1 13 requiring display of horsepower rating labels of
1 14 motorboats under section 462A.12, subsection 16, the
1 15 scheduled fine is one hundred dollars.>
1 16 #3. Title page, line 1, after <Act> by inserting
1 17 <relating to the operation of motorboats including
1 18 prohibiting the operation of motorboats without proper
1 19 horsepower rating labels,>
1 20 #4. Title page, line 2, after <time> by inserting <,
1 21 and providing penalties>
1 22 #5. By renumbering as necessary.

MASCHER of Johnson
HF462.1496 (1) 84
av/sc



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House Amendment 1298

PAG LIN

1 1 Amend House File 470 as follows:
1 2 #1. Page 2, lines 26 and 27, by striking <Monday
1 3 through Saturday.>

ALONS of Sioux
HF470.1498 (1) 84
rn/nh



Iowa General Assembly
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Senate Amendment 3093

PAG LIN

- 1 1 Amend Senate File 444 as follows:
- 1 2 #1. Page 8, by striking lines 5 through 10.
- 1 3 #2. Title page, line 4, by striking <, providing for
- 1 4 fees,>
- 1 5 #3. By renumbering as necessary.

HERMAN C. QUIRMBACH
SF444.1314 (2) 84
je/sc



Iowa General Assembly
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Senate Amendment 3094

PAG LIN

1 1 Amend Senate File 364 as follows:
1 2 #1. Page 2, by striking lines 15 and 16 and
1 3 inserting <pedorthics, the board of podiatry.>
1 4 #2. Page 2, by striking lines 17 through 25 and
1 5 inserting:
1 6 <Sec. _____. Section 147.14, subsection 1, paragraph
1 7 s, Code 2011, is amended to read as follows:
1 8 s. For podiatry, five members licensed to practice
1 9 podiatry, two members licensed to practice orthotics,
1 10 prosthetics, or pedorthics, and two members who are
1 11 not so licensed ~~to practice podiatry~~ and who shall
1 12 represent the general public.>
1 13 #3. Page 3, by striking lines 14 and 15 and
1 14 inserting:
1 15 1. "Board" means the board of podiatry.>
1 16 #4. Page 3, line 27, before <commission> by
1 17 inserting <national>
1 18 #5. Page 4, by striking lines 16 through 19 and
1 19 inserting <nationally accepted standards of orthotic
1 20 and prosthetic care as outlined by the American board
1 21 for certification in orthotics, prosthetics, and
1 22 pedorthics.>
1 23 #6. Page 5, by striking lines 12 and 13 and
1 24 inserting <program accredited by the American board for
1 25 certification in orthotics, prosthetics, and pedorthics
1 26 consisting of all of the following:>
1 27 #7. Page 5, by striking lines 29 through 32 and
1 28 inserting <standards of pedorthic care as outlined by
1 29 the American board for certification in orthotics,
1 30 prosthetics, and pedorthics.>
1 31 #8. Page 6, by striking line 29 and inserting
1 32 <the American board for certification in orthotics,
1 33 prosthetics, and pedorthics.>
1 34 #9. By striking page 9, line 34, through page 10,
1 35 line 1.
1 36 #10. Page 10, line 2, by striking <b.> and inserting
1 37 <2.>
1 38 #11. Page 11, by striking lines 15 through 25.
1 39 #12. Page 11, before line 26 by inserting:
1 40 <Sec. _____. FUNDING. There is appropriated from the
1 41 general fund of the state to the board of podiatry for
1 42 the fiscal year beginning July 1, 2011, and ending June
1 43 30, 2012, the following amount, or so much thereof as
1 44 is necessary, to be used for the purposes designated:
1 45 For salaries, support, maintenance, and
1 46 miscellaneous purposes related to the licensure of
1 47 persons offering orthotic, prosthetic, or pedorthic
1 48 services:
1 49 \$ 40,000
1 50 Notwithstanding section 8.33, moneys appropriated in



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Senate Amendment 3094 continued

2 1 this section that remain unencumbered or unobligated
2 2 at the close of the fiscal year shall not revert but
2 3 shall remain available for expenditure for the purposes
2 4 designated until the close of the succeeding fiscal
2 5 year.>
2 6 #13. By renumbering, redesignating, and correcting
2 7 internal references as necessary.

STEVEN SODDERS
SF364.1433 (3) 84
jr/rj



Iowa General Assembly
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Senate Amendment 3095

PAG LIN

1 1 Amend Senate File 365 as follows:
1 2 #1. Page 2, lines 12 and 13, by striking <received
1 3 a youthful offender ~~deferred~~ sentence> and inserting
1 4 <received a youthful offender deferred sentence been
1 5 placed on youthful offender status>
1 6 #2. Page 3, lines 8 and 9, by striking <received
1 7 a youthful offender ~~deferred~~ sentence> and inserting
1 8 <received a youthful offender deferred sentence been
1 9 placed on youthful offender status>
1 10 #3. Page 4, by striking lines 11 through 15 and
1 11 inserting <section 901.2, a presentence investigation
1 12 shall not be ordered by the court subsequent to an
1 13 entry of a plea of guilty or verdict of guilty or prior
1 14 to deferral of sentence of a youthful offender under
1 15 this section.>
1 16 #4. Page 4, line 20, after <discharged.> by
1 17 inserting <Notwithstanding section 901.2, the court
1 18 may order a presentence investigation report including
1 19 a report for an offense classified as a class "A"
1 20 felony.>
1 21 #5. Page 4, line 22, by striking <and> and inserting
1 22 <and prepared pursuant to section 232.56, and any
1 23 presentence investigation report, if ordered by the
1 24 court. The court>
1 25 #6. Page 4, line 28, after <report,> by inserting
1 26 <the presentence investigation report if ordered by the
1 27 court,>

PAM JOCHUM
SF365.1438 (2) 84
jm/rj



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Senate Amendment 3096

PAG LIN

1 1 Amend Senate File 240 as follows:
1 2 #1. Page 3, after line 13 by inserting:
1 3 <Sec. _____. Section 123.50, Code 2011, is amended by
1 4 adding the following new subsection:
1 5 NEW SUBSECTION. 5. If an employee of a licensee
1 6 or permittee violates section 123.49, subsection 2,
1 7 paragraph "h", the licensee or permittee shall not
1 8 be assessed a penalty under subsection 3, and the
1 9 violation shall be deemed not to be a violation of
1 10 section 123.49, subsection 2, paragraph "h", for the
1 11 purpose of determining the number of violations for
1 12 which a penalty may be assessed pursuant to subsection
1 13 3, if the employee holds a valid certificate of
1 14 completion of the alcohol compliance employee training
1 15 program pursuant to section 123.50A at the time of
1 16 the violation. A licensee or permittee may assert
1 17 only once in a four-year period the bar under this
1 18 subsection against assessment of a penalty pursuant to
1 19 subsection 3, for a violation of subsection 123.49,
1 20 subsection 2, paragraph "h", that takes place at the
1 21 same place of business location.
1 22 Sec. _____. NEW SECTION. 123.50A Alcohol compliance
1 23 employee training program.
1 24 1. If sufficient funding is appropriated, the
1 25 division shall develop an alcohol compliance employee
1 26 training program, not to exceed two hours in length
1 27 for employees and prospective employees of licensees
1 28 and permittees, to inform the employees about state
1 29 and federal liquor laws and regulations regarding the
1 30 sale of alcoholic liquor, wine, or beer to persons
1 31 under legal age, and compliance with and the importance
1 32 of laws regarding the sale of alcoholic liquor, wine,
1 33 or beer to persons under legal age. In developing
1 34 the alcohol compliance employee training program,
1 35 the division may consult with stakeholders who have
1 36 expertise in the laws and regulations regarding the
1 37 sale of alcoholic liquor, wine, or beer to persons
1 38 under legal age.
1 39 2. The alcohol compliance employee training program
1 40 shall be made available to employees and prospective
1 41 employees of licensees and permittees at no cost to the
1 42 employee, the prospective employee, or the licensee or
1 43 permittee, and in a manner which is as convenient and
1 44 accessible to the extent practicable throughout the
1 45 state so as to encourage attendance. Contingent upon
1 46 the availability of specified funds for provision of
1 47 the program, the division shall schedule the program
1 48 on at least a monthly basis and the program shall be
1 49 available at a location in at least a majority of
1 50 counties.



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Senate Amendment 3096 continued

2 1 3. Upon completion of the alcohol compliance
2 2 employee training program, an employee or prospective
2 3 employee shall receive a certificate of completion,
2 4 which shall be valid for a period of two years, unless
2 5 the employee or prospective employee is convicted of a
2 6 violation of section 123.49, subsection 2, paragraph
2 7 "h", in which case the certificate shall be void.
2 8 4. The division shall also offer periodic
2 9 continuing employee training and recertification for
2 10 employees who have completed initial training and
2 11 received an initial certificate of completion as part
2 12 of the alcohol compliance employee training program.>
2 13 #2. By renumbering as necessary.

BRIAN SCHOENJAHN
SF240.1456 (2) 84
rn/nh



Iowa General Assembly
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Senate Amendment 3097

PAG LIN

1 1 Amend Senate File 424 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:
1 4 <Section 1. DISTRICT=TO=COMMUNITY COLLEGE PROGRAM
1 5 AND FACILITIES SHARING PILOT PROGRAM. A consortium of
1 6 not less than four school districts and a community
1 7 college may request approval from the department of
1 8 education for a district=to=community college program
1 9 and facilities sharing pilot program. The pilot
1 10 program shall include one community college whose
1 11 average annual increase in joint enrollment over the
1 12 fiscal period beginning July 1, 2005, and ending June
1 13 30, 2009, was between 20 and 21 percent, and not less
1 14 than four contiguous school districts, each of which
1 15 had a kindergarten through grade twelve certified
1 16 enrollment for the 2009=2010 school year of not less
1 17 than six hundred pupils nor more than eight hundred
1 18 pupils. All participants in the consortium shall
1 19 be located within thirty miles of two cities and a
1 20 state university. Notwithstanding the requirement
1 21 that a school district have exclusive jurisdiction
1 22 in all matters within the territory of the school
1 23 district under section 274.1, the limitation on joint
1 24 buildings under section 28E.41, and the expenditure
1 25 requirements of section 298.3, the participating school
1 26 district boards may enter into joint contracts for
1 27 the construction or lease of buildings, using funds
1 28 accumulated under the physical plant and equipment
1 29 levy in section 298.2. Buildings constructed or
1 30 leased pursuant to this section shall be used primarily
1 31 for providing community college courses under a
1 32 district=to=community college sharing agreement entered
1 33 into by each of the school districts and the community
1 34 college pursuant to section 257.11, subsection 3.>
1 35 #2. Title page, by striking lines 1 and 2 and
1 36 inserting <An Act establishing a district=to=community
1 37 college program and facilities sharing pilot program.>

BRIAN SCHOENJAHN
SF424.1436 (3) 84
md/sc



Iowa General Assembly
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Senate Amendment 3098

PAG LIN

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1 1      Amend Senate File 328 as follows:
1 2 #1.  Page 7, after line 15 by inserting:
1 3      <6.  Eligibility for tuition assistance under this
1 4 chapter shall be limited to persons earning incomes at
1 5 or below two hundred percent of the federal poverty
1 6 level as defined by the most recently revised poverty
1 7 income guidelines published by the United States
1 8 department of health and human services.>
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BRIAN SCHOENJAHN
SF328.1381 (3) 84
je/nh



Iowa General Assembly
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Senate Amendment 3099

PAG LIN

1 1 Amend Senate File 295 as follows:
1 2 #1. Page 1, line 9, after <bank> by inserting <,
1 3 or to any Iowa=based entity that uses umbilical cord
1 4 blood for research and operates in compliance with
1 5 applicable Iowa board of medicine guidelines, and
1 6 with the applicable good laboratory practices, good
1 7 manufacturing practices, and other industry standard
1 8 practices under the purview of the United States food
1 9 and drug administration>
1 10 #2. Page 1, line 17, after <center.> by inserting
1 11 <The information provided shall also include the
1 12 name, address, and telephone number of any Iowa=based
1 13 entity that uses umbilical cord blood for research, if
1 14 such entity requests inclusion of the information and
1 15 provides the information to the department of public
1 16 health.>

DAVID JOHNSON
SF295.1468 (1) 84
pf/rj



Iowa General Assembly
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Senate Amendment 3100

PAG LIN

1 1 Amend Senate File 490 as follows:
1 2 #1. Page 1, line 13, by striking <raffle> and
1 3 inserting <drawing>
1 4 #2. Page 1, line 16, by striking <raffle> and
1 5 inserting <drawing>
1 6 #3. Page 1, line 18, by striking <a chance of
1 7 winning>
1 8 #4. Page 1, line 19, by striking <is obtained> and
1 9 inserting <may be won>
1 10 #5. Page 1, line 30, by striking <raffles> and
1 11 inserting <drawings>
1 12 #6. Page 1, line 33, by striking <raffle> and
1 13 inserting <drawing>
1 14 #7. Page 1, line 34, by striking <raffle> and
1 15 inserting <drawing>
1 16 #8. Page 2, by striking lines 2 through 4.
1 17 #9. Page 2, line 5, by striking <raffle> and
1 18 inserting <drawing>
1 19 #10. Page 2, line 7, by striking <raffle> and
1 20 inserting <drawing>
1 21 #11. Page 2, line 8, by striking <raffle.> and
1 22 inserting <drawing.>
1 23 #12. Page 2, line 9, by striking <raffle> and
1 24 inserting <drawing>
1 25 #13. Page 2, line 11, by striking <raffle> and
1 26 inserting <drawing>
1 27 #14. Page 2, line 12, by striking <raffle> and
1 28 inserting <drawing>
1 29 #15. Page 2, line 12, by striking <raffles> and
1 30 inserting <drawings>
1 31 #16. Page 2, line 14, by striking <raffle> and
1 32 inserting <drawing>
1 33 #17. Page 2, line 17, by striking <raffle maintains>
1 34 and inserting <drawing maintains>
1 35 #18. Page 2, line 17, by striking <promotion raffle>
1 36 and inserting <promotion drawing>
1 37 #19. Page 2, line 19, by striking <raffle> and
1 38 inserting <drawing>
1 39 #20. Page 2, line 21, by striking <raffle> and
1 40 inserting <drawing>
1 41 #21. Page 2, line 26, by striking <raffle> and
1 42 inserting <drawing>
1 43 #22. Page 2, line 27, by striking <raffles> and
1 44 inserting <drawings>
1 45 #23. Page 2, line 28, by striking <raffles> and
1 46 inserting <drawings>
1 47 #24. Page 2, line 31, by striking <raffle> and
1 48 inserting <drawing>
1 49 #25. Page 2, line 32, by striking <raffle>
1 50 #26. Page 2, line 33, by striking <raffles> and



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Senate Amendment 3100 continued

2 1 inserting <drawings>
2 2 #27. By striking page 2, line 35, through page 3,
2 3 line 10.
2 4 #28. Page 3, line 11, by striking <raffle> and
2 5 inserting <drawing>
2 6 #29. Page 3, line 15, by striking <raffle> and
2 7 inserting <drawing>
2 8 #30. Page 3, line 18, by striking <raffle> and
2 9 inserting <drawing>
2 10 #31. Page 3, line 19, by striking <raffle> and
2 11 inserting <drawing>
2 12 #32. Page 3, line 23, by striking <raffle> and
2 13 inserting <drawing>
2 14 #33. Title page, line 1, by striking <raffles> and
2 15 inserting <drawings>
2 16 #34. By renumbering, redesignating, and correcting
2 17 internal references as necessary.

JEFF DANIELSON
SF490.1400 (2) 84
aw/nh



Iowa General Assembly
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Senate Amendment 3101

PAG LIN

1 1 Amend Senate File 430 as follows:

1 2 #1. By striking everything after the enacting clause
1 3 and inserting:

1 4 <Section 1. Section 21.6, subsection 3, paragraph
1 5 a, Code 2011, is amended to read as follows:

1 6 a. Shall assess each member of the governmental
1 7 body who participated in its violation damages in the
1 8 amount of not more than five hundred dollars ~~nor~~ and
1 9 not less than one hundred dollars. However, if a
1 10 member of a governmental body knowingly participated
1 11 in such a violation, damages shall be in the amount of
1 12 not more than two thousand five hundred dollars and not
1 13 less than one thousand dollars. These damages shall

1 14 be paid by the court imposing it to the state of Iowa,
1 15 if the body in question is a state governmental body,
1 16 or to the local government involved if the body in
1 17 question is a local governmental body. A member of a
1 18 governmental body found to have violated this chapter
1 19 shall not be assessed such damages if that member
1 20 proves that the member did any of the following:

1 21 (1) Voted against the closed session.

1 22 (2) Had good reason to believe and in good faith
1 23 believed facts which, if true, would have indicated
1 24 compliance with all the requirements of this chapter.

1 25 (3) Reasonably relied upon a decision of a court,
1 26 ~~or~~ a formal opinion of the Iowa public information
1 27 board, the attorney general, or the attorney for the
1 28 governmental body, given in writing, or as memorialized
1 29 in the minutes of the meeting at which a formal oral
1 30 opinion was given, or an advisory opinion of the Iowa
1 31 public information board, the attorney general, or the
1 32 attorney for the governmental body, given in writing.

1 33 Sec. 2. Section 22.10, subsection 3, paragraph b,
1 34 Code 2011, is amended to read as follows:

1 35 b. Shall assess the persons who participated in
1 36 its violation damages in the amount of not more than
1 37 five hundred dollars ~~nor~~ and not less than one hundred
1 38 dollars. However, if a member of a government body
1 39 knowingly participated in such a violation, damages
1 40 shall be in the amount of not more than two thousand
1 41 five hundred dollars and not less than one thousand
1 42 dollars. These damages shall be paid by the court
1 43 imposing them to the state of Iowa if the body in
1 44 question is a state government body, or to the local
1 45 government involved if the body in question is a local
1 46 government body. A person found to have violated this
1 47 chapter shall not be assessed such damages if that
1 48 person proves that the person ~~either voted~~ did any of
1 49 the following:

1 50 (1) Voted against the action violating this



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Senate Amendment 3101 continued

2 1 chapter, refused to participate in the action violating
2 2 this chapter, or engaged in reasonable efforts under
2 3 the circumstances to resist or prevent the action in
2 4 violation of this chapter, ~~had.~~

2 5 (2) Had good reason to believe and in good faith
2 6 believed facts which, if true, would have indicated
2 7 compliance with the requirements of this chapter, ~~or~~
~~2 8 reasonably.~~

2 9 (3) Reasonably relied upon a decision of a court
2 10 ~~or an~~, a formal opinion of the Iowa public information
2 11 board, the attorney general, or the attorney for the
2 12 government body, given in writing, or as memorialized
2 13 in the minutes of the meeting at which a formal oral
2 14 opinion was given, or an advisory opinion of the Iowa
2 15 public information board, the attorney general, or the
2 16 attorney for the government body, given in writing.

2 17 Sec. 3. NEW SECTION. 23.1 Citation and purpose.

2 18 This chapter may be cited as the "Iowa Public
2 19 Information Board Act". The purpose of this chapter
2 20 is to provide an alternative means by which to secure
2 21 compliance with and enforcement of the requirements of
2 22 chapters 21 and 22 through the provision by the Iowa
2 23 public information board to all interested parties of
2 24 an efficient, informal, and cost-effective process for
2 25 resolving disputes.

2 26 Sec. 4. NEW SECTION. 23.2 Definitions.

2 27 1. "Board" means the Iowa public information board
2 28 created in section 23.3.

2 29 2. "Complainant" means a person who files a
2 30 complaint with the board.

2 31 3. "Complaint" means a written and signed document
2 32 filed with the board alleging a violation of chapter
2 33 21 or 22.

2 34 4. "Custodian" means a government body, government
2 35 official, or government employee designated as the
2 36 lawful custodian of a government record pursuant to
2 37 section 22.1.

2 38 5. "Government body" means the same as defined in
2 39 section 22.1.

2 40 6. "Governmental body" means the same as defined in
2 41 section 21.2.

2 42 7. "Person" means an individual, partnership,
2 43 association, corporation, legal representative,
2 44 trustee, receiver, custodian, government body, or
2 45 official, employee, agency, or political subdivision of
2 46 this state.

2 47 8. "Respondent" means any agency or other unit
2 48 of state or local government, custodian, government
2 49 official, or government employee who is the subject of
2 50 a complaint.



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3 1 Sec. 5. NEW SECTION. 23.3 Board appointed ====
3 2 executive director.
3 3 1. An Iowa public information board is created
3 4 consisting of the citizens' aide or the citizens' aide
3 5 designee and the following six members appointed by the
3 6 governor:
3 7 a. One member nominated by the Iowa broadcasters
3 8 association.
3 9 b. One member nominated by the Iowa freedom of
3 10 information council.
3 11 c. One member nominated by the Iowa newspaper
3 12 association.
3 13 d. One member nominated by the Iowa league of
3 14 cities.
3 15 e. One member nominated by the Iowa state
3 16 association of counties.
3 17 f. One member nominated by the Iowa association of
3 18 school boards.
3 19 2. Appointments to the board shall not be subject
3 20 to sections 69.16 and 69.16A if a good faith effort has
3 21 been made to nominate and appoint qualified persons
3 22 through a fair and unbiased selection process.
3 23 3. Members appointed to the board shall serve
3 24 staggered four-year terms beginning and ending as
3 25 provided in section 69.19.
3 26 4. A quorum of the board shall consist of four
3 27 members.
3 28 5. A vacancy on the board shall be filled by the
3 29 governor, as provided in subsection 1.
3 30 6. The board shall select one of its members to
3 31 serve as chairperson and shall employ a person who
3 32 shall be an attorney admitted to practice law before
3 33 the courts of this state to serve as the executive
3 34 director of the board.
3 35 7. The board shall meet at least quarterly and at
3 36 the call of the chairperson.
3 37 Sec. 6. NEW SECTION. 23.4 Compensation and
3 38 expenses.
3 39 Board members appointed by the governor shall
3 40 be paid a per diem as specified in section 7E.6 and
3 41 shall be reimbursed for actual and necessary expenses
3 42 incurred while on official board business. Such per
3 43 diem and expenses shall be paid from funds appropriated
3 44 to the board.
3 45 Sec. 7. NEW SECTION. 23.5 Election of remedies.
3 46 1. An aggrieved person, any taxpayer to or citizen
3 47 of this state, the attorney general, or any county
3 48 attorney may seek enforcement of the requirements of
3 49 chapters 21 and 22 by electing either to file an action
3 50 pursuant to section 17A.19, 21.6, or 22.10, whichever



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4 1 is applicable, or in the alternative, to file a timely
4 2 complaint with the board.
4 3 2. If more than one person seeks enforcement of
4 4 chapter 21 or 22 with respect to the same incident
4 5 involving an alleged violation, and one or more of
4 6 such persons elects to do so by filing an action under
4 7 section 17A.19, 21.6, or 22.10, and one or more of such
4 8 persons elects to do so by filing a timely complaint
4 9 with the board, the court in which the action was filed
4 10 shall dismiss the action without prejudice, authorizing
4 11 the complainant to file a complaint with respect to
4 12 the same incident with the board without regard to the
4 13 timeliness of the filing of the complaint at the time
4 14 the action in court is dismissed.

4 15 3. If a person files an action pursuant to section
4 16 22.8 seeking to enjoin the inspection of a public
4 17 record, the respondent or person requesting access to
4 18 the record which is the subject of the request for
4 19 injunction may remove the proceeding to the board for
4 20 its determination by filing, within thirty days of the
4 21 commencement of the judicial proceeding, a complaint
4 22 with the board alleging a violation of chapter 22 in
4 23 regard to the same matter.

4 24 Sec. 8. NEW SECTION. 23.6 Board powers and duties.
4 25 The board shall have all of the following powers and
4 26 duties:

4 27 1. Employ such employees as are necessary to
4 28 execute its authority, including attorneys to prosecute
4 29 respondents in proceedings before the board and to
4 30 represent the board in proceedings before a court.
4 31 Notwithstanding section 8A.412, all of the board's
4 32 employees, except for the executive director and
4 33 attorneys, shall be employed subject to the merit
4 34 system provisions of chapter 8A, subchapter IV.

4 35 2. Adopt rules pursuant to chapter 17A calculated
4 36 to implement, enforce, and interpret the requirements
4 37 of chapters 21 and 22 and to implement any authority
4 38 delegated to the board by this chapter.

4 39 3. Issue, consistent with the requirements of
4 40 section 17A.9, declaratory orders with the force of law
4 41 determining the applicability of chapter 21 or 22 to
4 42 specified fact situations and issue informal advice to
4 43 any person concerning the applicability of chapters 21
4 44 and 22.

4 45 4. Receive complaints alleging violations of
4 46 chapter 21 or 22, seek resolution of such complaints
4 47 through informal assistance or through mediation and
4 48 settlement, formally investigate such complaints,
4 49 decide after such an investigation whether there is
4 50 probable cause to believe a violation of chapter 21



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5 1 or 22 has occurred, and if probable cause has been
5 2 found prosecute the respondent before the board in a
5 3 contested case proceeding conducted according to the
5 4 provisions of chapter 17A.
5 5 5. Request and receive from a governmental body
5 6 or a government body assistance and information as
5 7 necessary in the performance of its duties.
5 8 6. The board may examine a record of a government
5 9 body that is the subject matter of a complaint,
5 10 including any record that is confidential by law.
5 11 Confidential records provided to the board by a
5 12 government body shall continue to maintain their
5 13 confidential status. Any member or employee of the
5 14 board is subject to the same policies and penalties
5 15 regarding the confidentiality of the document as an
5 16 employee of the government body.
5 17 7. Issue subpoenas enforceable in court for the
5 18 purpose of investigating complaints and to facilitate
5 19 the prosecution and conduct of contested cases before
5 20 the board.
5 21 8. After appropriate board proceedings, issue
5 22 orders with the force of law, determining whether there
5 23 has been a violation of chapter 21 or 22, requiring
5 24 compliance with specified provisions of those chapters,
5 25 imposing civil penalties equivalent to and to the same
5 26 extent as those provided for in section 21.6 or 22.10,
5 27 as applicable, on a respondent who has been found in
5 28 violation of chapter 21 or 22, and imposing any other
5 29 appropriate remedies calculated to declare, terminate,
5 30 or remediate any violation of those chapters.
5 31 9. Represent itself in judicial proceedings
5 32 to enforce or defend its orders and rules through
5 33 attorneys on its own staff, through the office of the
5 34 attorney general, or through other attorneys retained
5 35 by the board, at its option.
5 36 10. Make training opportunities available to lawful
5 37 custodians, governmental bodies, government bodies, and
5 38 other persons subject to the requirements of chapters
5 39 21 and 22 and require, in its discretion, appropriate
5 40 persons who have responsibilities in relation to
5 41 chapters 21 and 22 to receive periodic training
5 42 approved by the board.
5 43 11. Disseminate information calculated to inform
5 44 members of the public about the public's right to
5 45 access government information in this state including
5 46 procedures to facilitate this access and including
5 47 information relating to the obligations of governmental
5 48 bodies under chapter 21 and lawful custodians under
5 49 chapter 22 and other laws dealing with this subject.
5 50 12. Prepare and transmit to the governor and to the



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6 1 general assembly, at least annually, reports describing
6 2 complaints received, board proceedings, investigations,
6 3 hearings conducted, decisions rendered, and other work
6 4 performed by the board.

6 5 13. Make recommendations to the governor and
6 6 the general assembly proposing legislation relating
6 7 to public access to government information deemed
6 8 desirable by the board in light of the policy of this
6 9 state to provide as much public access as possible to
6 10 government information as is consistent with the public
6 11 interest.

6 12 Sec. 9. NEW SECTION. 23.7 Filing of complaints
6 13 with the board.

6 14 1. The board shall adopt rules pursuant to chapter
6 15 17A providing for the timing, form, content, and
6 16 means by which any aggrieved person, any taxpayer to
6 17 or citizen of this state, the attorney general, or
6 18 any county attorney may file a complaint with the
6 19 board alleging a violation of chapter 21 or 22. The
6 20 complaint must be filed within sixty days from the time
6 21 the alleged violation occurred or the complainant could
6 22 have become aware of the violation with reasonable
6 23 diligence. All complaints filed with the board shall
6 24 be public records.

6 25 2. All board proceedings in response to the filing
6 26 of a complaint shall be conducted as expeditiously as
6 27 possible.

6 28 3. The board may charge a complaint filing fee not
6 29 to exceed fifty dollars. This fee may be waived by
6 30 the executive director if imposition of the fee would
6 31 constitute an economic hardship for the complainant.
6 32 If paid, a filing fee shall be refunded if a complaint
6 33 is established as meritorious.

6 34 Sec. 10. NEW SECTION. 23.8 Initial processing of
6 35 complaint.

6 36 Upon receipt of a complaint alleging a violation
6 37 of chapter 21 or 22, the board shall do either of the
6 38 following:

6 39 1. Determine that, on its face, the complaint
6 40 is within the board's jurisdiction, appears legally
6 41 sufficient, and could have merit. In such a case the
6 42 board shall accept the complaint, and shall notify the
6 43 parties of that fact in writing.

6 44 2. Determine that, on its face, the complaint is
6 45 outside its jurisdiction, is legally insufficient, is
6 46 frivolous, is without merit, involves harmless error,
6 47 or relates to a specific incident that has previously
6 48 been finally disposed of on its merits by the board or
6 49 a court. In such a case the board shall decline to
6 50 accept the complaint. If the board refuses to accept a



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7 1 complaint, the board shall provide the complainant with
7 2 a written order explaining its reasons for the action.
7 3 Sec. 11. NEW SECTION. 23.9 Informal assistance ====
7 4 mediation and settlement.
7 5 1. After accepting a complaint, the board shall
7 6 promptly work with the parties through its employees
7 7 to reach an informal, expeditious resolution of the
7 8 complaint. If an informal resolution satisfactory to
7 9 the parties cannot be reached, the board or the board's
7 10 designee shall offer the parties an opportunity to
7 11 resolve the dispute through mediation and settlement.
7 12 2. The mediation and settlement process shall
7 13 enable the complainant to attempt to resolve the
7 14 dispute with the aid of a neutral mediator employed and
7 15 selected by the board, in its discretion, from either
7 16 its own staff or an outside source.
7 17 3. Mediation shall be conducted as an informal,
7 18 nonadversarial process and in a manner calculated
7 19 to help the parties reach a mutually acceptable and
7 20 voluntary settlement agreement. The mediator shall
7 21 assist the parties in identifying issues and shall
7 22 foster joint problem solving and the exploration of
7 23 settlement alternatives.
7 24 Sec. 12. NEW SECTION. 23.10 Enforcement.
7 25 1. If any party declines mediation or settlement or
7 26 if mediation or settlement fails to resolve the matter
7 27 to the satisfaction of all parties, the board shall
7 28 initiate a formal investigation concerning the facts
7 29 and circumstances set forth in the complaint. The
7 30 board shall, after an appropriate investigation, make
7 31 a determination as to whether the complaint is within
7 32 the board's jurisdiction and whether there is probable
7 33 cause to believe that the facts and circumstances
7 34 alleged in the complaint constitute a violation of
7 35 chapter 21 or 22.
7 36 2. If the board finds the complaint is outside the
7 37 board's jurisdiction or there is no probable cause to
7 38 believe there has been a violation of chapter 21 or 22,
7 39 the board shall issue a written order explaining the
7 40 reasons for the board's conclusions and dismissing the
7 41 complaint, and shall transmit a copy to the complainant
7 42 and to the party against whom the complaint was filed.
7 43 3. a. If the board finds the complaint is within
7 44 the board's jurisdiction and there is probable cause
7 45 to believe there has been a violation of chapter 21
7 46 or 22, the board shall issue a written order to that
7 47 effect and shall commence a contested case proceeding
7 48 under chapter 17A against the respondent. An attorney
7 49 selected by the director of the board shall prosecute
7 50 the respondent in the contested case proceeding. At



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8 1 the termination of the contested case proceeding the
8 2 board shall, by a majority vote of its members, render
8 3 a final decision as to the merits of the complaint. If
8 4 the board finds that the complaint has merit, the board
8 5 may issue any appropriate order to ensure enforcement
8 6 of chapter 21 or 22 including but not limited to
8 7 an order requiring specified action or prohibiting
8 8 specified action and any appropriate order to remedy
8 9 any failure of the respondent to observe any provision
8 10 of those chapters.

8 11 b. If the board determines, by a majority vote of
8 12 its members, that the respondent has violated chapter
8 13 21 or 22, the board may also do any or all of the
8 14 following:

8 15 (1) Require the respondent to pay damages as
8 16 provided for in section 21.6 or 22.10, whichever is
8 17 applicable, to the extent that provision would make
8 18 such damages payable if the complainant had sought to
8 19 enforce a violation in court instead of through the
8 20 board.

8 21 (2) Void any action taken in violation of chapter
8 22 21 if a court would be authorized to do so in similar
8 23 circumstances pursuant to section 21.6.

8 24 c. The board shall not have the authority to remove
8 25 a person from public office for a violation of chapter
8 26 21 or 22. The board may file an action under chapter
8 27 21 or 22 to remove a person from office for violations
8 28 that would subject a person to removal under those
8 29 chapters.

8 30 d. A final board order resulting from such
8 31 proceedings may be enforced by the board in court
8 32 and is subject to judicial review pursuant to section
8 33 17A.19.

8 34 Sec. 13. NEW SECTION. 23.11 Defenses in a
8 35 contested case proceeding.

8 36 A respondent may defend against a proceeding before
8 37 the board charging a violation of chapter 21 or 22
8 38 on the ground that if such a violation occurred it
8 39 was only harmless error or that clear and convincing
8 40 evidence demonstrated that grounds existed to justify
8 41 a court to issue an injunction against disclosure
8 42 pursuant to section 22.8.

8 43 Sec. 14. NEW SECTION. 23.12 Jurisdiction.

8 44 The board shall not have jurisdiction over the
8 45 judicial or legislative branches of state government or
8 46 any entity, officer, or employee of those branches, or
8 47 over the governor or the office of the governor.

8 48 Sec. 15. Section 455K.4, subsection 4, Code 2011,
8 49 is amended to read as follows:

8 50 4. Information that is disclosed under subsection



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9 1 2, paragraph "b", is confidential and is not subject to
9 2 disclosure under chapter 22. ~~A governmental entity,~~
~~9 3 governmental employee, or governmental official who~~
~~9 4 discloses information in violation of this subsection~~
~~9 5 is subject to the penalty provided in section 22.6.~~
9 6 Sec. 16. REPEAL. Section 22.6, Code 2011, is
9 7 repealed.
9 8 Sec. 17. IOWA PUBLIC INFORMATION BOARD ====

9 9 TRANSITION PROVISIONS.

9 10 1. The initial members of the Iowa public
9 11 information board established pursuant to this Act
9 12 shall be appointed by September 1, 2011.

9 13 2. Notwithstanding any provision of this Act to the
9 14 contrary, the director of the board and employees of
9 15 the board shall not be hired prior to July 1, 2012.

9 16 3. Prior to July 1, 2012, the board shall meet
9 17 as necessary to organize and prepare a report to be
9 18 submitted to the governor and the general assembly.
9 19 The report shall include a job description for the
9 20 executive director of the board, goals for board
9 21 operations, and performance measures to measure
9 22 achievement of the board's goals.

9 23 Sec. 18. EFFECTIVE DATE. Except for the section
9 24 of this Act establishing transition provisions for the
9 25 Iowa public information board, this Act takes effect
9 26 July 1, 2012.>

9 27 #2. Title page, by striking lines 1 through 3 and
9 28 inserting <An Act relating to violations of the open
9 29 records and public meetings laws and the creation of
9 30 the Iowa public information board, and including fee
9 31 and effective date provisions.>

PAM JOCHUM

JEFF DANIELSON

DAVID JOHNSON

KENT SORENSON

DARYL BEALL
SF430.1463 (2) 84
rh/rj



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Senate Amendment 3102

PAG LIN

1 1 Amend Senate File 400 as follows:

1 2 #1. By striking everything after the enacting clause
1 3 and inserting:

1 4 <Section 1. Section 561.13, Code 2011, is amended
1 5 to read as follows:

1 6 561.13 Conveyance or encumbrance.

1 7 1. A conveyance or encumbrance of, or contract
1 8 to convey or encumber the homestead, if the owner is
1 9 married, is not valid, unless and until the spouse of
1 10 the owner executes the same or a like instrument, or a
1 11 power of attorney for the execution of the same or a
1 12 like instrument, except as provided in subsection 3.
1 13 However, when the homestead is conveyed or encumbered
1 14 along with or in addition to other real estate, it is
1 15 not necessary to particularly describe or set aside the
1 16 tract of land constituting the homestead, whether the
1 17 homestead is exclusively the subject of the contract or
1 18 not, but the contract may be enforced as to real estate
1 19 other than the homestead at the option of the purchaser
1 20 or encumbrancer.

1 21 2. If a spouse who holds only homestead rights and
1 22 surviving spouse's statutory share in the homestead
1 23 specifically relinquishes homestead rights in an
1 24 instrument, including a power of attorney constituting
1 25 the other spouse as the husband's or wife's attorney in
1 26 fact, as provided in section 597.5, it is not necessary
1 27 for the spouse to join in the granting clause of the
1 28 same or a like instrument.

1 29 3. A conveyance or encumbrance or a contract to
1 30 convey or encumber the homestead is not invalid under
1 31 subsection 1 if any of the following apply:

1 32 a. The nonsigning spouse's interest is terminated
1 33 by a decree of dissolution of marriage or other order
1 34 of the court.

1 35 b. The nonsigning spouse's right of recovery is
1 36 barred by section 614.15.

1 37 c. The encumbrance is a purchase money mortgage as
1 38 defined in section 654.12B.

1 39 d. A court sitting in equity enters a decree
1 40 holding that invalidating the conveyance or encumbrance
1 41 or a contract to convey or encumber the homestead
1 42 would, directly or indirectly, unjustly enrich the
1 43 nonsigning spouse.

1 44 4. For the purposes of this section, "nonsigning
1 45 spouse" means a spouse who has not executed a
1 46 conveyance or encumbrance or a contract to convey or
1 47 encumber the homestead, the same or a like instrument,
1 48 or a power of attorney for the execution of the same or
1 49 a like instrument.>



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rh/sc



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Senate Amendment 3103

PAG LIN

1 1 Amend the amendment, S=3101, to Senate File 430 as
1 2 follows:
1 3 #1. Page 4, by striking lines 27 and 28 and
1 4 inserting:
1 5 <1. Employ no more than two employees to execute
1 6 its authority, including an attorney to prosecute>

MARK CHELGREN
S3101.1515 (1) 84
rh/nh



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Senate Amendment 3104

PAG LIN

1 1 Amend Senate File 301 as follows:
1 2 #1. Page 1, line 3, by striking <2013> and inserting
1 3 <2012>
1 4 #2. Page 1, line 12, by striking <2018> and
1 5 inserting <2017>
1 6 #3. Page 1, line 34, by striking <2013> and
1 7 inserting <2012>
1 8 #4. Page 2, by striking lines 11 through 24.
1 9 #5. Page 3, line 3, by striking <two> and inserting
1 10 <~~two~~ three>
1 11 #6. Page 3, line 6, after <"b"> by inserting <, and
1 12 for administrative expenses incurred by the department>
1 13 #7. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
ROBERT E. DVORSKY, CHAIRPERSON
SF301.1185 (2) 84
tw/sc



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Senate Study Bill 1193

SENATE/HOUSE FILE
BY (PROPOSED GOVERNOR'S
BUDGET BILL)

A BILL FOR

1 An Act relating to and making appropriations to the justice
2 system and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1014XG (10) 84
jm/tm



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Senate Study Bill 1193 continued

PAG LIN

1 1 Section 1. DEPARTMENT OF JUSTICE.
1 2 1. There is appropriated from the general fund of the state
1 3 to the department of justice for the following fiscal years,
1 4 the following amounts, or so much thereof as is necessary, to
1 5 be used for the purposes designated:
1 6 a. For the general office of attorney general for salaries,
1 7 support, maintenance, and miscellaneous purposes, including
1 8 the prosecuting attorneys training program, victim assistance
1 9 grants, office of drug control policy prosecuting attorney
1 10 program, and odometer fraud enforcement:
1 11 FY 2011=2012..... \$ 7,792,930
1 12 FY 2012=2013..... \$ 7,792,930
1 13 It is the intent of the general assembly that as a condition
1 14 of receiving the appropriations provided in this lettered
1 15 paragraph, the department of justice shall maintain a record
1 16 of the estimated time incurred representing each agency or
1 17 department.
1 18 b. For victim assistance grants:
1 19 FY 2011=2012..... \$ 2,876,400
1 20 FY 2012=2013..... \$ 2,876,400
1 21 The funds appropriated in this lettered paragraph shall
1 22 be used each fiscal year to provide grants to care providers
1 23 providing services to crime victims of domestic abuse or to
1 24 crime victims of rape and sexual assault.
1 25 The balance of the victim compensation fund established
1 26 in section 915.94 may be used each fiscal year to provide
1 27 salary and support for not more than 22.00 FTEs and to provide
1 28 maintenance for the victim compensation functions of the
1 29 department of justice.
1 30 For the fiscal years beginning July 1, 2011, and July 1,
1 31 2012, the department of justice may transfer moneys from the
1 32 victim compensation fund established in section 915.94 to the
1 33 victim assistance grant program.
1 34 c. For legal services for persons in poverty grants as
1 35 provided in section 13.34:



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Senate Study Bill 1193 continued

2 1 FY 2011=2012..... \$ 1,814,831
2 2 FY 2012=2013..... \$ 1,814,831
2 3 2. a. The department of justice, in submitting budget
2 4 estimates for the fiscal year commencing July 1, 2012, pursuant
2 5 to section 8.23, shall include a report of funding from sources
2 6 other than amounts appropriated directly from the general fund
2 7 of the state to the department of justice or to the office of
2 8 consumer advocate. These funding sources shall include but
2 9 are not limited to reimbursements from other state agencies,
2 10 commissions, boards, or similar entities, and reimbursements
2 11 from special funds or internal accounts within the department
2 12 of justice. The department of justice shall also report actual
2 13 reimbursements for the fiscal year commencing July 1, 2010,
2 14 and actual and expected reimbursements for the fiscal year
2 15 commencing July 1, 2011.
2 16 b. The department of justice shall include the report
2 17 required under paragraph "a", as well as information regarding
2 18 any revisions occurring as a result of reimbursements actually
2 19 received or expected at a later date, in a report to the
2 20 co=chairpersons and ranking members of the joint appropriations
2 21 subcommittee on the justice system and the legislative services
2 22 agency. The department of justice shall submit the report on
2 23 or before January 15, 2011.
2 24 3. a. The department of justice, in submitting budget
2 25 estimates for the fiscal year commencing July 1, 2013, pursuant
2 26 to section 8.23, shall include a report of funding from sources
2 27 other than amounts appropriated directly from the general fund
2 28 of the state to the department of justice or to the office of
2 29 consumer advocate. These funding sources shall include but
2 30 are not limited to reimbursements from other state agencies,
2 31 commissions, boards, or similar entities, and reimbursements
2 32 from special funds or internal accounts within the department
2 33 of justice. The department of justice shall also report actual
2 34 reimbursements for the fiscal year commencing July 1, 2011,
2 35 and actual and expected reimbursements for the fiscal year



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3 1 commencing July 1, 2012.
3 2 b. The department of justice shall include the report
3 3 required under paragraph "a", as well as information regarding
3 4 any revisions occurring as a result of reimbursements actually
3 5 received or expected at a later date, in a report to the
3 6 co=chairpersons and ranking members of the joint appropriations
3 7 subcommittee on the justice system and the legislative services
3 8 agency. The department of justice shall submit the report on
3 9 or before January 15, 2012.
3 10 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is appropriated
3 11 from the general fund of the state to the office of consumer
3 12 advocate of the department of justice for the following
3 13 fiscal years, the following amounts, or so much thereof as is
3 14 necessary, to be used for the purposes designated:
3 15 For salaries, support, maintenance, and miscellaneous
3 16 purposes:
3 17 FY 2011=2012..... \$ 3,136,163
3 18 FY 2012=2013..... \$ 3,136,163
3 19 Sec. 3. DEPARTMENT OF CORRECTIONS == FACILITIES.
3 20 1. There is appropriated from the general fund of the
3 21 state to the department of corrections for the following
3 22 fiscal years, the following amounts, or so much thereof as
3 23 is necessary, to be used for operation of adult correctional
3 24 institutions, reimbursement of counties for certain confinement
3 25 costs, and federal prison reimbursement, to be allocated as
3 26 follows:
3 27 a. For the operation of the Fort Madison correctional
3 28 facility, including salaries, support, maintenance, and
3 29 miscellaneous purposes:
3 30 FY 2011=2012..... \$ 41,031,283
3 31 FY 2012=2013..... \$ 41,031,283
3 32 b. For the operation of the Anamosa correctional facility,
3 33 including salaries, support, maintenance, and miscellaneous
3 34 purposes:
3 35 FY 2011=2012..... \$ 31,985,974



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4 1 FY 2012=2013..... \$ 31,985,974
4 2 c. For the operation of the Oakdale correctional facility,
4 3 including salaries, support, maintenance, and miscellaneous
4 4 purposes:
4 5 FY 2011=2012..... \$ 55,600,610
4 6 FY 2012=2013..... \$ 55,600,610
4 7 d. For the operation of the Newton correctional facility,
4 8 including salaries, support, maintenance, and miscellaneous
4 9 purposes:
4 10 FY 2011=2012..... \$ 25,958,757
4 11 FY 2012=2013..... \$ 25,958,757
4 12 e. For the operation of the Mt. Pleasant correctional
4 13 facility, including salaries, support, maintenance, and
4 14 miscellaneous purposes:
4 15 FY 2011=2012..... \$ 25,917,815
4 16 FY 2012=2013..... \$ 25,917,815
4 17 f. For the operation of the Rockwell City correctional
4 18 facility, including salaries, support, maintenance, and
4 19 miscellaneous purposes:
4 20 FY 2011=2012..... \$ 9,316,466
4 21 FY 2012=2013..... \$ 9,316,466
4 22 g. For the operation of the Clarinda correctional facility,
4 23 including salaries, support, maintenance, and miscellaneous
4 24 purposes:
4 25 FY 2011=2012..... \$ 24,639,518
4 26 FY 2012=2013..... \$ 24,639,518
4 27 Moneys received by the department of corrections as
4 28 reimbursement for services provided to the Clarinda youth
4 29 corporation are appropriated each fiscal year to the department
4 30 and shall be used for the purpose of operating the Clarinda
4 31 correctional facility.
4 32 h. For the operation of the Mitchellville correctional
4 33 facility, including salaries, support, maintenance, and
4 34 miscellaneous purposes:
4 35 FY 2011=2012..... \$ 15,615,374



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5 1 FY 2012=2013..... \$ 15,615,374
5 2 i. For the operation of the Fort Dodge correctional
5 3 facility, including salaries, support, maintenance, and
5 4 miscellaneous purposes:
5 5 FY 2011=2012..... \$ 29,062,235
5 6 FY 2012=2013..... \$ 29,062,235
5 7 j. For reimbursement of counties for temporary confinement
5 8 of work release and parole violators, as provided in sections
5 9 901.7, 904.908, and 906.17, and for offenders confined pursuant
5 10 to section 904.513:
5 11 FY 2011=2012..... \$ 775,092
5 12 FY 2012=2013..... \$ 775,092
5 13 k. For federal prison reimbursement, reimbursements for
5 14 out-of-state placements, and miscellaneous contracts:
5 15 FY 2011=2012..... \$ 239,411
5 16 FY 2012=2013..... \$ 239,411
5 17 2. The department of corrections shall use moneys
5 18 appropriated in subsection 1 each fiscal year to continue
5 19 to contract for the services of a Muslim imam and a native
5 20 American spiritual leader.
5 21 Sec. 4. DEPARTMENT OF CORRECTIONS == ADMINISTRATION.
5 22 There is appropriated from the general fund of the state to
5 23 the department of corrections for the following fiscal years,
5 24 the following amounts, or so much thereof as is necessary, to
5 25 be used for the purposes designated:
5 26 1. For general administration, including salaries, support,
5 27 maintenance, employment of an education director to administer
5 28 a centralized education program for the correctional system,
5 29 and miscellaneous purposes:
5 30 FY 2011=2012..... \$ 4,835,542
5 31 FY 2012=2013..... \$ 4,835,542
5 32 a. It is the intent of the general assembly that each
5 33 lease negotiated by the department of corrections with a
5 34 private corporation for the purpose of providing private
5 35 industry employment of inmates in a correctional institution



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6 1 shall prohibit the private corporation from utilizing inmate
6 2 labor for partisan political purposes for any person seeking
6 3 election to public office in this state and that a violation
6 4 of this requirement shall result in a termination of the lease
6 5 agreement.

6 6 b. It is the intent of the general assembly that as
6 7 a condition of receiving the appropriation provided in
6 8 this lettered paragraph each fiscal year the department
6 9 of corrections shall not enter into a lease or contractual
6 10 agreement pursuant to section 904.809 with a private
6 11 corporation for the use of building space for the purpose of
6 12 providing inmate employment without providing that the terms
6 13 of the lease or contract establish safeguards to restrict, to
6 14 the greatest extent feasible, access by inmates working for
6 15 the private corporation to personal identifying information of
6 16 citizens.

6 17 2. For educational programs for inmates at state penal
6 18 institutions:

6 19 FY 2011=2012..... \$ 2,308,109
6 20 FY 2012=2013..... \$ 2,308,109

6 21 a. To maximize the funding for educational programs,
6 22 the department shall establish guidelines and procedures to
6 23 prioritize the availability of educational and vocational
6 24 training for inmates based upon the goal of facilitating an
6 25 inmate's successful release from the correctional institution.

6 26 b. The director of the department of corrections may
6 27 transfer moneys from Iowa prison industries for use in
6 28 educational programs for inmates.

6 29 c. Notwithstanding section 8.33, moneys appropriated in
6 30 this lettered paragraph that remain unobligated or unexpended
6 31 at the close of each fiscal year shall not revert but shall
6 32 remain available for expenditure only for the purpose
6 33 designated in this lettered paragraph until the close of the
6 34 succeeding fiscal year.

6 35 3. For the development of the Iowa corrections offender



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7 1 network (ICON) data system:
7 2 FY 2011=2012..... \$ 424,364
7 3 FY 2012=2013..... \$ 424,364
7 4 4. For offender mental health and substance abuse
7 5 treatment:
7 6 FY 2011=2012..... \$ 22,319
7 7 FY 2012=2013..... \$ 22,319
7 8 5. For viral hepatitis prevention and treatment:
7 9 FY 2011=2012..... \$ 167,881
7 10 FY 2012=2013..... \$ 167,881
7 11 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
7 12 SERVICES.
7 13 1. There is appropriated from the general fund of the
7 14 state to the department of corrections for the following
7 15 fiscal years, the following amounts, or so much thereof
7 16 as is necessary, for salaries, support, maintenance, and
7 17 miscellaneous purposes, to be allocated as follows:
7 18 a. For the first judicial district department of
7 19 correctional services:
7 20 FY 2011=2012..... \$ 12,020,098
7 21 FY 2012=2013..... \$ 12,020,098
7 22 b. For the second judicial district department of
7 23 correctional services:
7 24 FY 2011=2012..... \$ 10,336,948
7 25 FY 2012=2013..... \$ 10,336,948
7 26 c. For the third judicial district department of
7 27 correctional services:
7 28 FY 2011=2012..... \$ 5,599,765
7 29 FY 2012=2013..... \$ 5,599,765
7 30 d. For the fourth judicial district department of
7 31 correctional services:
7 32 FY 2011=2012..... \$ 5,391,355
7 33 FY 2012=2013..... \$ 5,391,355
7 34 e. For the fifth judicial district department of
7 35 correctional services, including funding for electronic



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8 1 monitoring devices for use on a statewide basis:
8 2 FY 2011=2012..... \$ 18,742,129
8 3 FY 2012=2013..... \$ 18,742,129
8 4 f. For the sixth judicial district department of
8 5 correctional services:
8 6 FY 2011=2012..... \$ 13,112,563
8 7 FY 2012=2013..... \$ 13,112,563
8 8 g. For the seventh judicial district department of
8 9 correctional services:
8 10 FY 2011=2012..... \$ 6,492,814
8 11 FY 2012=2013..... \$ 6,492,814
8 12 h. For the eighth judicial district department of
8 13 correctional services:
8 14 FY 2011=2012..... \$ 6,731,055
8 15 FY 2012=2013..... \$ 6,731,055
8 16 2. Each judicial district department of correctional
8 17 services, within the funding available each fiscal year, shall
8 18 continue programs and plans established within that district
8 19 to provide for intensive supervision, sex offender treatment,
8 20 diversion of low-risk offenders to the least restrictive
8 21 sanction available, job development, and expanded use of
8 22 intermediate criminal sanctions.
8 23 3. Each judicial district department of correctional
8 24 services shall provide alternatives to prison consistent with
8 25 chapter 901B. The alternatives to prison shall ensure public
8 26 safety while providing maximum rehabilitation to the offender.
8 27 A judicial district department of correctional services may
8 28 also establish a day program.
8 29 4. The governor's office of drug control policy shall
8 30 consider federal grants made to the department of corrections
8 31 for the benefit of each of the eight judicial district
8 32 departments of correctional services as local government
8 33 grants, as defined pursuant to federal regulations.
8 34 5. The department of corrections shall continue to contract
8 35 with a judicial district department of correctional services to



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9 1 provide for the rental of electronic monitoring equipment which
9 2 shall be available statewide.

9 3 Sec. 6. DEPARTMENT OF CORRECTIONS == REALLOCATION OF
9 4 APPROPRIATIONS. Notwithstanding section 8.39, within the
9 5 moneys appropriated each fiscal year in this Act to the
9 6 department of corrections, the department may reallocate the
9 7 moneys appropriated and allocated as necessary to best fulfill
9 8 the needs of the correctional institutions, administration
9 9 of the department, and the judicial district departments of
9 10 correctional services. However, in addition to complying with
9 11 the requirements of sections 904.116 and 905.8 and providing
9 12 notice to the legislative services agency, the department
9 13 of corrections shall also provide notice to the department
9 14 of management, prior to the effective date of the revision
9 15 or reallocation of an appropriation made pursuant to this
9 16 section. The department of corrections shall not reallocate an
9 17 appropriation or allocation for the purpose of eliminating any
9 18 program.

9 19 Sec. 7. INTENT == REPORTS.

9 20 1. The department of corrections in cooperation with
9 21 townships, the Iowa cemetery associations, and other nonprofit
9 22 or governmental entities may use inmate labor during the fiscal
9 23 years beginning July 1, 2011, and July 1, 2012, to restore
9 24 or preserve rural cemeteries and historical landmarks. The
9 25 department in cooperation with the counties may also use inmate
9 26 labor to clean up roads, major water sources, and other water
9 27 sources around the state.

9 28 2. Each month the department shall provide a status report
9 29 regarding private=sector employment to the legislative services
9 30 agency during the fiscal years beginning July 1, 2011, and July
9 31 1, 2012. The report shall include the number of offenders
9 32 employed in the private sector, the combined number of hours
9 33 worked by the offenders, the total amount of allowances, and
9 34 the distribution of allowances pursuant to section 904.702,
9 35 including any moneys deposited in the general fund of the



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10 1 state.

10 2 Sec. 8. ELECTRONIC MONITORING REPORTS.

10 3 1. The department of corrections shall submit a report
10 4 on electronic monitoring to the general assembly, to
10 5 the co=chairpersons and the ranking members of the joint
10 6 appropriations subcommittee on the justice system, and to
10 7 the legislative services agency by January 15, 2012. The
10 8 report shall specifically address the number of persons being
10 9 electronically monitored and break down the number of persons
10 10 being electronically monitored by offense committed. The
10 11 report shall also include a comparison of any data from the
10 12 prior fiscal year with the current year.

10 13 2. The department of corrections shall submit a report
10 14 on electronic monitoring to the general assembly, to
10 15 the co=chairpersons and the ranking members of the joint
10 16 appropriations subcommittee on the justice system, and to
10 17 the legislative services agency by January 15, 2013. The
10 18 report shall specifically address the number of persons being
10 19 electronically monitored and break down the number of persons
10 20 being electronically monitored by offense committed. The
10 21 report shall also include a comparison of any data from the
10 22 prior fiscal year with the current year.

10 23 Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

10 24 1. As used in this section, unless the context otherwise
10 25 requires, "state agency" means the government of the state
10 26 of Iowa, including but not limited to all executive branch
10 27 departments, agencies, boards, bureaus, and commissions, the
10 28 judicial branch, the general assembly and all legislative
10 29 agencies, institutions within the purview of the state board of
10 30 regents, and any corporation whose primary function is to act
10 31 as an instrumentality of the state.

10 32 2. State agencies are hereby encouraged to purchase
10 33 products from Iowa state industries, as defined in section
10 34 904.802, when purchases are required and the products are
10 35 available from Iowa state industries. State agencies shall



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11 1 obtain bids from Iowa state industries for purchases of office
11 2 furniture during the fiscal years beginning July 1, 2011, and
11 3 July 1, 2012, exceeding \$5,000 or in accordance with applicable
11 4 administrative rules related to purchases for the agency.

11 5 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated
11 6 from the general fund of the state to the office of the state
11 7 public defender of the department of inspections and appeals
11 8 for the following fiscal years, the following amounts, or so
11 9 much thereof as is necessary, to be allocated as follows for
11 10 the purposes designated:

11 11 1. For salaries, support, maintenance, and miscellaneous
11 12 purposes:
11 13 FY 2011=2012..... \$ 24,083,182
11 14 FY 2012=2013..... \$ 24,083,182

11 15 2. For the fees of court-appointed attorneys for indigent
11 16 adults and juveniles, in accordance with section 232.141 and
11 17 chapter 815:
11 18 FY 2011=2012..... \$ 31,680,929
11 19 FY 2012=2013..... \$ 31,680,929

11 20 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.

11 21 1. There is appropriated from the general fund of the
11 22 state to the Iowa law enforcement academy for the following
11 23 fiscal years, the following amounts, or so much thereof as is
11 24 necessary, to be used for the purposes designated:

11 25 For salaries, support, maintenance, and miscellaneous
11 26 purposes, including jailer training and technical assistance:
11 27 FY 2011=2012..... \$ 868,698
11 28 FY 2012=2013..... \$ 868,698

11 29 It is the intent of the general assembly that the Iowa law
11 30 enforcement academy may provide training of state and local
11 31 law enforcement personnel concerning the recognition of and
11 32 response to persons with Alzheimer's disease.

11 33 The Iowa law enforcement academy may temporarily exceed and
11 34 draw more than the amount appropriated in this subsection in
11 35 either fiscal year and incur a negative cash balance as long



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12 1 as there are receivables equal to or greater than the negative
12 2 balance and the amount appropriated in this subsection in the
12 3 applicable fiscal year is not exceeded at the close of the
12 4 fiscal year.

12 5 2. The Iowa law enforcement academy may select at least
12 6 five automobiles of the department of public safety, division
12 7 of state patrol, prior to turning over the automobiles to
12 8 the department of administrative services to be disposed
12 9 of by public auction, and the Iowa law enforcement academy
12 10 may exchange any automobile owned by the academy for each
12 11 automobile selected if the selected automobile is used in
12 12 training law enforcement officers at the academy. However, any
12 13 automobile exchanged by the academy shall be substituted for
12 14 the selected vehicle of the department of public safety and
12 15 sold by public auction with the receipts being deposited in the
12 16 depreciation fund to the credit of the department of public
12 17 safety, division of state patrol.

12 18 Sec. 12. BOARD OF PAROLE. There is appropriated from
12 19 the general fund of the state to the board of parole for
12 20 the following fiscal years, the following amounts, or so
12 21 much thereof as is necessary, to be used for the purposes
12 22 designated:

12 23 For salaries, support, maintenance, and miscellaneous
12 24 purposes:

12 25 FY 2011=2012..... \$ 1,053,835
12 26 FY 2012=2013..... \$ 1,053,835

12 27 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
12 28 appropriated from the general fund of the state to the
12 29 department of public defense for the following fiscal years,
12 30 the following amounts, or so much thereof as is necessary, to
12 31 be used for the purposes designated:

12 32 1. MILITARY DIVISION

12 33 For salaries, support, maintenance, and miscellaneous
12 34 purposes:

12 35 FY 2011=2012..... \$ 5,527,042



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13 1 FY 2012=2013..... \$ 5,527,042
13 2 The military division may temporarily exceed and draw more
13 3 than the amount appropriated in this subsection in either
13 4 fiscal year and incur a negative cash balance as long as there
13 5 are receivables of federal funds equal to or greater than the
13 6 negative balance and the amount appropriated in this subsection
13 7 is not exceeded at the close of the fiscal year.
13 8 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION
13 9 For salaries, support, maintenance, and miscellaneous
13 10 purposes:
13 11 FY 2011=2012..... \$ 1,836,878
13 12 FY 2012=2013..... \$ 1,836,878
13 13 a. The homeland security and emergency management
13 14 division may temporarily exceed and draw more than the amount
13 15 appropriated in this subsection in either fiscal year and incur
13 16 a negative cash balance as long as there are receivables of
13 17 federal funds equal to or greater than the negative balance and
13 18 the amount appropriated in this subsection is not exceeded at
13 19 the close of the fiscal year.
13 20 b. It is the intent of the general assembly that the
13 21 homeland security and emergency management division work in
13 22 conjunction with the department of public safety, to the extent
13 23 possible, when gathering and analyzing information related
13 24 to potential domestic or foreign security threats, and when
13 25 monitoring such threats.
13 26 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is appropriated
13 27 from the general fund of the state to the department of public
13 28 safety for the following fiscal years, the following amounts,
13 29 or so much thereof as is necessary, to be used for the purposes
13 30 designated:
13 31 1. For the department's administrative functions, including
13 32 the criminal justice information system:
13 33 FY 2011=2012..... \$ 4,007,075
13 34 FY 2012=2013..... \$ 4,007,075
13 35 2. For the division of criminal investigation, including



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14 1 the state's contribution to the peace officers' retirement,
14 2 accident, and disability system provided in chapter 97A in the
14 3 amount of the state's normal contribution rate, as defined in
14 4 section 97A.8, multiplied by the salaries for which the funds
14 5 are appropriated, to meet federal fund matching requirements:
14 6 FY 2011=2012..... \$ 12,533,931
14 7 FY 2012=2013..... \$ 12,533,931
14 8 3. For the criminalistics laboratory fund created in
14 9 section 691.9:
14 10 FY 2011=2012..... \$ 302,345
14 11 FY 2012=2013..... \$ 302,345
14 12 4. a. For the division of narcotics enforcement, including
14 13 the state's contribution to the peace officers' retirement,
14 14 accident, and disability system provided in chapter 97A in the
14 15 amount of the state's normal contribution rate, as defined in
14 16 section 97A.8, multiplied by the salaries for which the funds
14 17 are appropriated, to meet federal fund matching requirements:
14 18 FY 2011=2012..... \$ 6,429,884
14 19 FY 2012=2013..... \$ 6,429,884
14 20 b. For the division of narcotics enforcement for undercover
14 21 purchases:
14 22 FY 2011=2012..... \$ 109,042
14 23 FY 2012=2013..... \$ 109,042
14 24 5. For the division of state fire marshal, for fire
14 25 protection services as provided through the state fire service
14 26 and emergency response council as created in the department,
14 27 and for the state's contribution to the peace officers'
14 28 retirement, accident, and disability system provided in chapter
14 29 97A in the amount of the state's normal contribution rate, as
14 30 defined in section 97A.8, multiplied by the salaries for which
14 31 the funds are appropriated:
14 32 FY 2011=2012..... \$ 4,298,707
14 33 FY 2012=2013..... \$ 4,298,707
14 34 6. For the division of state patrol, for salaries, support,
14 35 maintenance, workers' compensation costs, and miscellaneous



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15 1 purposes, including the state's contribution to the peace
15 2 officers' retirement, accident, and disability system provided
15 3 in chapter 97A in the amount of the state's normal contribution
15 4 rate, as defined in section 97A.8, multiplied by the salaries
15 5 for which the funds are appropriated:
15 6 FY 2011=2012..... \$ 51,903,233
15 7 FY 2012=2013..... \$ 51,903,233
15 8 It is the intent of the general assembly that members of the
15 9 state patrol be assigned to patrol the highways and roads in
15 10 lieu of assignments for inspecting school buses for the school
15 11 districts.
15 12 7. For deposit in the sick leave benefits fund established
15 13 under section 80.42 for all departmental employees eligible to
15 14 receive benefits for accrued sick leave under the collective
15 15 bargaining agreement:
15 16 FY 2011=2012..... \$ 279,512
15 17 FY 2012=2013..... \$ 279,512
15 18 8. For costs associated with the training and equipment
15 19 needs of volunteer fire fighters:
15 20 FY 2011=2012..... \$ 575,520
15 21 FY 2012=2013..... \$ 575,520
15 22 a. Notwithstanding section 8.33, moneys appropriated in
15 23 this subsection that remain unencumbered or unobligated at the
15 24 close of each fiscal year shall not revert but shall remain
15 25 available for expenditure only for the purpose designated in
15 26 this subsection until the close of the succeeding fiscal year.
15 27 b. Notwithstanding section 8.39, within the moneys
15 28 appropriated in this section for each fiscal year, the
15 29 department of public safety may reallocate moneys as necessary
15 30 to best fulfill the needs provided for in the appropriation.
15 31 However, the department shall not reallocate an appropriation
15 32 made to the department in this section unless notice of the
15 33 reallocation is given to the legislative services agency and
15 34 the department of management prior to the effective date
15 35 of the reallocation. The notice shall include information



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16 1 regarding the rationale for reallocating the appropriation.
16 2 The department shall not reallocate an appropriation made in
16 3 this section for the purpose of eliminating any program.
16 4 Sec. 15. GAMING ENFORCEMENT.
16 5 1. There is appropriated from the gaming enforcement
16 6 revolving fund created in section 80.43 to the department of
16 7 public safety for the following fiscal years, the following
16 8 amounts, or so much thereof as is necessary, to be used for the
16 9 purposes designated:
16 10 For any direct and indirect support costs for agents
16 11 and officers of the division of criminal investigation's
16 12 excursion gambling boat, gambling structure, and racetrack
16 13 enclosure enforcement activities, including salaries, support,
16 14 maintenance, and miscellaneous purposes:
16 15 FY 2011=2012..... \$ 9,836,306
16 16 FY 2012=2013..... \$ 9,836,306
16 17 2. For each additional license to conduct gambling games on
16 18 an excursion gambling boat, gambling structure, or racetrack
16 19 enclosure issued during the year beginning July 1, 2011,
16 20 there is appropriated from the gaming enforcement fund to the
16 21 department of public safety for the fiscal year beginning July
16 22 1, 2011, and ending June 30, 2012, an additional amount of not
16 23 more than \$521,000.
16 24 3. For each additional license to conduct gambling games on
16 25 an excursion gambling boat, gambling structure, or racetrack
16 26 enclosure issued during the year beginning July 1, 2012,
16 27 there is appropriated from the gaming enforcement fund to the
16 28 department of public safety for the fiscal year beginning July
16 29 1, 2012, an additional amount of not more than \$521,000.
16 30 4. The department of public safety, with the approval of
16 31 the department of management, shall not employ more than two
16 32 special agents and four gaming enforcement officers for each
16 33 additional riverboat or gambling structure regulated after July
16 34 1, 2011, and one special agent for each racing facility which
16 35 becomes operational during the fiscal year which begins July 1,



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17 1 2011. One additional gaming enforcement officer, up to a total
17 2 of four per riverboat or gambling structure, may be employed
17 3 for each riverboat or gambling structure that has extended
17 4 operations to 24 hours and has not previously operated with a
17 5 24-hour schedule.

17 6 Sec. 16. CIVIL RIGHTS COMMISSION. There is appropriated
17 7 from the general fund of the state to the Iowa state civil
17 8 rights commission for the following fiscal years, the following
17 9 amounts, or so much thereof as is necessary, to be used for the
17 10 purposes designated:

17 11 For salaries, support, maintenance, and miscellaneous
17 12 purposes:

17 13 FY 2011=2012..... \$ 1,297,069

17 14 FY 2012=2013..... \$ 1,297,069

17 15 The Iowa state civil rights commission may enter into
17 16 a contract with a nonprofit organization to provide legal
17 17 assistance to resolve civil rights complaints.

17 18 Sec. 17. IOWA COMMUNICATIONS NETWORK. It is the
17 19 intent of the general assembly that the executive branch
17 20 agencies receiving an appropriation in this Act utilize
17 21 the Iowa communications network or secure other electronic
17 22 communications in lieu of traveling for the fiscal year
17 23 addressed by the appropriations.

17 24 Sec. 18. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
17 25 DIVISION. There is appropriated from the wireless E911
17 26 emergency communications fund created in section 34A.7A to the
17 27 administrator of the homeland security and emergency management
17 28 division of the department of public defense for each of the
17 29 fiscal years beginning July 1, 2011, and July 1, 2012, an
17 30 amount not exceeding \$200,000 to be used for implementation,
17 31 support, and maintenance of the functions of the administrator
17 32 and program manager under chapter 34A and to employ the auditor
17 33 of the state to perform an annual audit of the wireless E911
17 34 emergency communications fund.

17 35 EXPLANATION



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18 1 This bill relates to and makes appropriations to the justice
18 2 system.

18 3 The bill makes appropriations from the general fund of the
18 4 state for FY 2011=2012 and FY 2012=2013 to the departments of
18 5 justice, corrections, public defense, and public safety, and
18 6 the office of consumer advocate, Iowa law enforcement academy,
18 7 office of the state public defender, board of parole, and Iowa
18 8 state civil rights commission.

18 9 The bill appropriates moneys from the gaming enforcement
18 10 fund to the department of public safety for FY 2011=2012 and
18 11 FY 2012=2013.

18 12 The bill also provides that for each additional license to
18 13 conduct gambling games on an excursion gambling boat, gambling
18 14 structure, or racetrack enclosure issued during the fiscal
18 15 year beginning on July 1, 2011, there is appropriated from the
18 16 gaming enforcement fund to the department of public safety for
18 17 the fiscal year beginning July 1, 2011, an additional amount
18 18 of not more than \$521,000. If an additional gaming license to
18 19 conduct gambling games on an excursion gambling boat, gambling
18 20 structure, or racetrack is issued during the fiscal year
18 21 beginning July 1, 2012, the bill also appropriates \$521,000
18 22 from the gaming enforcement fund to the department of public
18 23 safety for the fiscal year beginning July 1, 2012.

LSB 1014XG (10) 84

jm/tm



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Senate Study Bill 1194

SENATE/HOUSE FILE
BY (PROPOSED GOVERNOR'S
BUDGET BILL)

A BILL FOR

1 An Act relating to and making appropriations to the judicial
2 branch.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1015XG (5) 84
jm/tm



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PAG LIN

1 1 Section 1. JUDICIAL BRANCH.
1 2 1. There is appropriated from the general fund of the state
1 3 to the judicial branch for the following fiscal years the
1 4 following amounts, or so much thereof as is necessary, to be
1 5 used for the purposes designated:
1 6 a. For salaries of supreme court justices, appellate court
1 7 judges, district court judges, district associate judges,
1 8 judicial magistrates and staff, state court administrator,
1 9 clerk of the supreme court, district court administrators,
1 10 clerks of the district court, juvenile court officers, board of
1 11 law examiners and board of examiners of shorthand reporters and
1 12 judicial qualifications commission; receipt and disbursement
1 13 of child support payments; reimbursement of the auditor of
1 14 state for expenses incurred in completing audits of the offices
1 15 of the clerks of the district court during the fiscal years
1 16 beginning July 1, 2011, and July 1, 2012; and maintenance,
1 17 equipment, and miscellaneous purposes:
1 18 FY 2011=2012..... \$157,700,609
1 19 FY 2012=2013..... \$157,700,609
1 20 b. For deposit in the revolving fund created pursuant
1 21 to section 602.1302, subsection 3, for jury and witness
1 22 fees, mileage, costs related to summoning jurors, fees for
1 23 interpreters, and reimbursement of attorney fees paid by the
1 24 state public defender:
1 25 FY 2011=2012..... \$ 3,700,000
1 26 FY 2012=2013..... \$ 3,700,000
1 27 2. The judicial branch, except for purposes of internal
1 28 processing, shall use the current state budget system, the
1 29 state payroll system, and the Iowa finance and accounting
1 30 system in administration of programs and payments for services,
1 31 and shall not duplicate the state payroll, accounting, and
1 32 budgeting systems.
1 33 3. The judicial branch shall submit monthly financial
1 34 statements to the legislative services agency and the
1 35 department of management containing all appropriated accounts



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Senate Study Bill 1194 continued

2 1 in the same manner as provided in the monthly financial status
2 2 reports and personal services usage reports of the department
2 3 of administrative services. The monthly financial statements
2 4 shall include a comparison of the dollars and percentage
2 5 spent of budgeted versus actual revenues and expenditures on
2 6 a cumulative basis for full-time equivalent positions and
2 7 dollars.

2 8 4. The judicial branch shall focus efforts upon the
2 9 collection of delinquent fines, penalties, court costs, fees,
2 10 surcharges, or similar amounts.

2 11 5. The judicial branch shall submit a semiannual update
2 12 to the legislative services agency specifying the amounts of
2 13 fines, surcharges, and court costs collected using the Iowa
2 14 court information system since the last report. The judicial
2 15 branch shall continue to facilitate the sharing of vital
2 16 sentencing and other information with other state departments
2 17 and governmental agencies involved in the criminal justice
2 18 system through the Iowa court information system.

2 19 6. a. The judicial branch shall provide a report to the
2 20 general assembly by January 1, 2012, concerning the amounts
2 21 received and expended from the enhanced court collections
2 22 fund created in section 602.1304 and the court technology and
2 23 modernization fund created in section 602.8108, subsection
2 24 7, during the fiscal year beginning July 1, 2010, and ending
2 25 June 30, 2011, and the plans for expenditures from each fund
2 26 during the fiscal year beginning July 1, 2011, and ending
2 27 June 30, 2012. A copy of the report shall be provided to the
2 28 legislative services agency.

2 29 b. The judicial branch shall provide a report to the general
2 30 assembly by January 1, 2013, concerning the amounts received
2 31 and expended from the enhanced court collections fund created
2 32 in section 602.1304 and the court technology and modernization
2 33 fund created in section 602.8108, subsection 7, during the
2 34 fiscal year beginning July 1, 2011, and ending June 30, 2012,
2 35 and the plans for expenditures from each fund during the fiscal



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3 1 year beginning July 1, 2012, and ending June 30, 2013. A copy
3 2 of the report shall be provided to the legislative services
3 3 agency.

3 4 7. The judicial branch is encouraged to purchase products
3 5 from Iowa state industries, as defined in section 904.802, when
3 6 purchases are required and the products are available from Iowa
3 7 state industries. The judicial branch shall obtain bids from
3 8 Iowa state industries for purchases of office furniture during
3 9 the fiscal years beginning July 1, 2011, and July 1, 2012,
3 10 exceeding \$5,000.

3 11 Sec. 2. CIVIL TRIALS ==== LOCATION. Notwithstanding any
3 12 provision to the contrary, for the fiscal years beginning July
3 13 1, 2011, and July 1, 2012, if all parties in a case agree, a
3 14 civil trial including a jury trial may take place in a county
3 15 contiguous to the county with proper jurisdiction, even if the
3 16 contiguous county is located in an adjacent judicial district
3 17 or judicial election district. If the trial is moved pursuant
3 18 to this section, court personnel shall treat the case as if a
3 19 change of venue occurred. However, if a trial is moved to an
3 20 adjacent judicial district or judicial election district, the
3 21 judicial officers serving in the judicial district or judicial
3 22 election district receiving the case shall preside over the
3 23 case.

3 24 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section
3 25 602.1509, for the fiscal years beginning July 1, 2011, and July
3 26 1, 2012, a judicial officer may waive travel reimbursement for
3 27 any travel outside the judicial officer's county of residence
3 28 to conduct official judicial business.

3 29 Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT ====
3 30 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports
3 31 required to be provided by the judicial branch for fiscal years
3 32 beginning July 1, 2011, and July 1, 2012, to the legislative
3 33 services agency shall be provided in an electronic format.
3 34 The legislative services agency shall post the reports on its
3 35 internet website and shall notify by electronic means all the



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4 1 members of the joint appropriations subcommittee on the justice
4 2 system when a report is posted. Upon request, copies of the
4 3 reports may be mailed to members of the joint appropriations
4 4 subcommittee on the justice system.

4 5 Sec. 5. JUDICIAL OFFICER ==== UNPAID LEAVE. Notwithstanding
4 6 the annual salary rates for judicial officers established
4 7 by 2008 Iowa Acts, chapter 1191, section 11, for the fiscal
4 8 years beginning July 1, 2011, and July 1, 2012, the supreme
4 9 court may by order place all judicial officers on unpaid leave
4 10 status on any day employees of the judicial branch are placed
4 11 on temporary layoff status. The biweekly pay of the judicial
4 12 officers shall be reduced accordingly for the pay period in
4 13 which the unpaid leave date occurred in the same manner as for
4 14 noncontract employees of the judicial branch. Through the
4 15 course of the two fiscal years, the judicial branch may use an
4 16 amount equal to the aggregate amount of salary reductions due
4 17 to the judicial officer unpaid leave days for any purpose other
4 18 than for judicial salaries.

4 19 Sec. 6. IOWA COMMUNICATIONS NETWORK. It is the intent
4 20 of the general assembly that the judicial branch utilize
4 21 the Iowa communications network or other secure electronic
4 22 communications in lieu of traveling for the fiscal years
4 23 beginning July 1, 2011, and July 1, 2012.

4 24 EXPLANATION

4 25 This bill appropriates from the general fund of the state
4 26 for FY 2011=2012 and FY 2012=2013 to the judicial branch for
4 27 salaries, maintenance, equipment, and miscellaneous purposes.

4 28 The bill appropriates \$3.7 million from the general fund of
4 29 the state for FY 2011=2012 to the revolving fund created in
4 30 Code section 602.1302 for jury and witness fees, mileage, costs
4 31 related to summoning jurors, fees for interpreters, and certain
4 32 attorney fee reimbursement. The bill also appropriates \$3.7
4 33 million from the general fund of the state to the revolving
4 34 fund for FY 2012=2013.

4 35 The bill provides for the two fiscal years that a civil trial



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5 1 including a jury trial may take place in a county contiguous
5 2 to the county with proper jurisdiction, even if the contiguous
5 3 county is located in an adjacent judicial district or judicial
5 4 election district, if all the parties in a case agree. If a
5 5 trial is moved to another county that is located in another
5 6 judicial district or judicial election district, the judicial
5 7 officers serving the judicial district or judicial election
5 8 district receiving the case shall preside over the case.
5 9 The bill permits a judicial officer to waive travel
5 10 reimbursement for any travel outside the judicial officer's
5 11 county of residence to conduct official business.
5 12 The bill allows a judicial officer to be placed on unpaid
5 13 leave, by order of the supreme court, for the fiscal years
5 14 beginning July 1, 2011, and July 1, 2012, on any day a court
5 15 employee is placed on temporary layoff status. The bill
5 16 provides that if a judicial officer is placed on unpaid leave,
5 17 the salary of the judicial officer shall be reduced accordingly
5 18 for the pay period in which the unpaid leave occurred. Through
5 19 the course of the two fiscal years, the bill provides that the
5 20 judicial branch may use an amount equal to the aggregate amount
5 21 of the salary reductions due to judicial officer unpaid leave
5 22 for any purpose other than judicial salaries.
5 23 The bill provides legislative intent that the judicial
5 24 branch utilize the Iowa communications network or other secure
5 25 electronic communications in lieu of traveling.

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